

EXHIBIT 34

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL)
5 PRESCRIPTION) MDL No. 2804
6 OPIATE LITIGATION)
7 _____) Case No.
8) 1:17-MD-2804
9)
10 THIS DOCUMENT RELATES) Hon. Dan A.
11 TO ALL CASES) Polster
12)

13 TUESDAY, JANUARY 15, 2019

14 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
15 CONFIDENTIALITY REVIEW

16 - - -

17 Videotaped deposition of Karen
18 Harper, held at the offices of STINSON
19 LEONARD STREET LLP, 7700 Forsyth Boulevard,
20 Suite 1000, St. Louis, Missouri, commencing
21 at 9:09 a.m., on the above date, before
22 Carrie A. Campbell, Registered Diplomate
23 Reporter and Certified Realtime Reporter.

24 - - -

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<p style="text-align: right;">Page 11</p> <p>1 VIDEOGRAPHER: We are now on 08:49:49 2 the record. My name is James Arndt. 09:08:57 3 I'm a videographer for Golkow 09:09:00 4 Litigation Services. 09:09:01 5 Today's date is January 15th of 09:09:01 6 2019, and the time is 9:09 a.m. 09:09:05 7 This video deposition is being 09:09:07 8 held in St. Louis, Missouri, in the 09:09:09 9 matter of the National Prescription 09:09:11 10 Opiate Litigation for the United 09:09:14 11 States District Court for the Northern 09:09:15 12 District of Ohio, Eastern Division. 09:09:17 13 The deponent is Karen Harper. 09:09:18 14 Will counsel please identify 09:09:20 15 themselves. 09:09:22 16 MR. KO: Good morning. David 09:09:23 17 Ko, Keller Rohrbach, on behalf of 09:09:25 18 plaintiffs. 09:09:27 19 MR. LOESER: Derek Loeser from 09:09:28 20 Keller Rohrbach for the plaintiffs. 09:09:28 21 MS. HERZFELD: Tricia Herzfeld, 09:09:30 22 Branstetter, Branch & Jennings, for 09:09:31 23 the Tennessee plaintiffs. 09:09:31 24 MS. FIX MEYER: Julie Fix 09:09:34 25 Meyer, Armstrong Teasdale, for 09:09:34</p>	<p style="text-align: right;">Page 13</p> <p>1 KAREN HARPER, 2 of lawful age, having been first duly sworn 3 to tell the truth, the whole truth and 4 nothing but the truth, deposes and says on 5 behalf of the Plaintiffs, as follows: 6 7 MR. KO: Before we get started, 09:10:30 8 I just wanted to note for the record 09:10:32 9 that yesterday evening Mallinckrodt's 09:10:33 10 counsel had provided some documents, 09:10:35 11 another production of documents, 09:10:38 12 including some documents apparently 09:10:39 13 from Ms. Harper's custodial file. It 09:10:40 14 appears to be a fairly substantial 09:10:44 15 production. 09:10:46 16 We didn't get a chance to 09:10:47 17 review those, so I just wanted to note 09:10:48 18 for the record that we reserve the 09:10:49 19 right to reopen this deposition based 09:10:50 20 on that review. 09:10:52 21 MR. O'CONNOR: And we believe 09:10:52 22 the documents we produced don't 09:10:53 23 prejudice the plaintiffs in any way, 09:10:55 24 and I'm happy to discuss that further, 09:10:59 25 but do disagree with your 09:11:00</p>

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1	characterization.	09:11:01	1	Okay?	09:12:23
2	DIRECT EXAMINATION	09:11:03	2	A. Yes.	09:12:24
3	QUESTIONS BY MR. KO:	09:11:04	3	Q. I think we're here for a fairly	09:12:25
4	Q. Good morning. We met earlier,	09:11:05	4	long time today, so to the extent you need	09:12:27
5	just a moment ago.	09:11:06	5	breaks throughout the day, please feel free	09:12:30
6	Could you please state and	09:11:07	6	to ask and I'll do my best to accommodate.	09:12:33
7	spell your name for the record?	09:11:09	7	Okay?	09:12:35
8	A. Yes. Karen Harper, K-a-r-e-n,	09:11:09	8	A. Thank you.	09:12:36
9	H-a-r-p-e-r.	09:11:12	9	Q. Ms. Harper, is there anything	09:12:36
10	Q. Ms. Harper, where do you	09:11:14	10	that you can think of today that will prevent	09:12:41
11	currently reside?	09:11:16	11	you from testifying truthfully and honestly?	09:12:43
12	A. St. Louis County, Missouri.	09:11:17	12	A. No.	09:12:46
13	Q. Okay. And I know that you have	09:11:19	13	Q. Great.	09:12:46
14	had your deposition taken at least once	09:11:21	14	Ms. Harper, what did you do to	09:12:47
15	before in connection with a matter involving	09:11:23	15	prepare for this deposition today?	09:12:51
16	Island Drug Pharmacy.	09:11:28	16	A. I met with my attorneys.	09:12:52
17	Have you had your deposition	09:11:29	17	Q. Okay. And who are they?	09:12:54
18	taken at any other time other than that	09:11:30	18	A. Ropes & Gray.	09:12:55
19	instance?	09:11:32	19	Q. Okay. And Mr. O'Connor and	09:12:58
20	A. Earlier in my life, before I	09:11:32	20	Mr. Davison sitting here today, are those the	09:13:00
21	was an employee of Mallinckrodt.	09:11:35	21	two individuals that you met with?	09:13:02
22	Q. Okay. So how many times have	09:11:37	22	A. Yes, among others.	09:13:03
23	you been deposed?	09:11:38	23	Q. Okay. And how many attorneys	09:13:04
24	A. Two -- twice.	09:11:38	24	did you meet with?	09:13:06
25	Q. Okay. So you understand	09:11:40	25	A. At least one other.	09:13:06
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1	probably some of the ground rules, but I just	09:11:42	1	Q. Okay. And how many times did	09:13:08
2	want to remind you of a few that are	09:11:44	2	you meet?	09:13:09
3	important to me today.	09:11:47	3	A. Five times.	09:13:09
4	The court reporters have the	09:11:48	4	Q. Okay. So you met for five	09:13:10
5	most important job here in transcribing	09:11:49	5	different days or five different sessions?	09:13:13
6	everything that we're saying, so it's	09:11:52	6	A. Five different sessions.	09:13:14
7	important that we don't talk over one	09:11:53	7	Q. Okay. And how many hours total	09:13:16
8	another. So please wait until I finish my	09:11:54	8	would you say that would be?	09:13:17
9	question before you move on to your response,	09:11:56	9	A. The first two sessions were	09:13:18
10	and likewise, I'll wait until you finish your	09:11:58	10	eight -- two eight-hour days, so 16 and 16,	09:13:21
11	question {sic} before I move on to my next	09:12:00	11	32. Then we had an eight-hour day, 40, and	09:13:26
12	question.	09:12:03	12	another two eight-hour days. So 56 hours.	09:13:30
13	Does that sound good?	09:12:03	13	Q. Sounds like a lot of	09:13:34
14	A. Yes.	09:12:04	14	preparation.	09:13:36
15	Q. And to the extent I ask a yes	09:12:05	15	Other than your outside	09:13:37
16	or no question, I would ask that you actually	09:12:07	16	counsel, or other than Ropes & Gray, were	09:13:42
17	in fact answer yes or no, if that's your	09:12:11	17	there any other people present during your	09:13:44
18	response, rather than shaking your head or	09:12:11	18	meetings?	09:13:49
19	nodding your head.	09:12:15	19	A. No.	09:13:50
20	A. Understood.	09:12:16	20	Q. Okay. And in those meetings,	09:13:50
21	Q. Okay. And from time to time	09:12:16	21	did you review any documents?	09:13:53
22	counsel at this table may object to my	09:12:17	22	A. Yes.	09:13:54
23	questioning, but unless you get a clear	09:12:19	23	Q. Okay. And did -- were those	09:13:55
24	instruction not to respond, I would ask that	09:12:21	24	documents selected by counsel?	09:13:58
25	you respond to my question.	09:12:23	25	A. Yes.	09:14:01

<p style="text-align: right;">Page 18</p> <p>1 Q. Okay. And did you provide any 09:14:02</p> <p>2 documents in any of these meetings? 09:14:04</p> <p>3 A. Not in those meetings. 09:14:06</p> <p>4 Q. Okay. In preparation for this 09:14:09</p> <p>5 deposition today, have you spoken with any 09:14:15</p> <p>6 current or former employees of Mallinckrodt? 09:14:18</p> <p>7 A. Only to the extent that I 09:14:20</p> <p>8 needed to be absent from work. 09:14:23</p> <p>9 Q. Okay. Are you aware that other 09:14:26</p> <p>10 former and current employees of Mallinckrodt 09:14:31</p> <p>11 have been deposed? 09:14:32</p> <p>12 A. Yes. 09:14:33</p> <p>13 Q. Okay. Have you spoken with any 09:14:34</p> <p>14 of those deponents? 09:14:36</p> <p>15 A. No, sir. 09:14:37</p> <p>16 Q. Okay. You know who Bill 09:14:38</p> <p>17 Ratliff is, right? 09:14:41</p> <p>18 A. Yes. 09:14:42</p> <p>19 Q. Have you spoken with him about 09:14:42</p> <p>20 this deposition at all? 09:14:44</p> <p>21 A. No. 09:14:44</p> <p>22 Q. Okay. Do you know who John 09:14:45</p> <p>23 Gillies is? 09:14:48</p> <p>24 A. Yes. 09:14:48</p> <p>25 Q. Have you spoken with him? 09:14:48</p>	<p style="text-align: right;">Page 20</p> <p>1 specialty advertising company. 09:15:44</p> <p>2 Q. Okay. And what did you do 09:15:45</p> <p>3 there? 09:15:46</p> <p>4 A. Clerical. 09:15:46</p> <p>5 Q. Okay. When did you first start 09:15:47</p> <p>6 working at Mallinckrodt? 09:15:49</p> <p>7 A. In March of 1975. 09:15:50</p> <p>8 Q. Okay. So there was a brief 09:15:53</p> <p>9 period of about approximately one year 09:15:54</p> <p>10 between when you ceased going to community 09:15:56</p> <p>11 college and when you started working at 09:15:58</p> <p>12 Mallinckrodt? 09:16:00</p> <p>13 A. Yes. 09:16:00</p> <p>14 Q. Okay. And what was your first 09:16:00</p> <p>15 job at Mallinckrodt? 09:16:02</p> <p>16 A. Clerk typist. 09:16:02</p> <p>17 Q. Okay. And clerk typist for 09:16:05</p> <p>18 what division or department? 09:16:08</p> <p>19 A. Purchasing group in the 09:16:09</p> <p>20 corporate area. 09:16:12</p> <p>21 Q. Okay. And how long did you do 09:16:12</p> <p>22 that? 09:16:15</p> <p>23 A. Approximately one year. 09:16:15</p> <p>24 Q. Okay. I may want to walk 09:16:18</p> <p>25 through each position you had at 09:16:24</p>
<p style="text-align: right;">Page 19</p> <p>1 A. No. 09:14:50</p> <p>2 Q. Okay. Ms. Harper, where did 09:14:53</p> <p>3 you go to school? I mean, college, excuse 09:14:55</p> <p>4 me. 09:14:58</p> <p>5 A. I only have a couple of years 09:14:58</p> <p>6 partial college credits, and so that was at 09:15:00</p> <p>7 community college district, St. Louis, 09:15:03</p> <p>8 Missouri. 09:15:06</p> <p>9 Q. Okay. And what was the name of 09:15:06</p> <p>10 that school? 09:15:07</p> <p>11 A. Meramec Community College. 09:15:07</p> <p>12 Q. Okay. And did you actually 09:15:09</p> <p>13 obtain a degree? 09:15:11</p> <p>14 A. I did not. 09:15:11</p> <p>15 Q. Okay. And where did you -- by 09:15:12</p> <p>16 the way, what year did you stop going to 09:15:18</p> <p>17 school? 09:15:20</p> <p>18 A. So I graduated from high school 09:15:20</p> <p>19 and took intermittent college classes but 09:15:22</p> <p>20 never achieved a degree. So I graduated from 09:15:26</p> <p>21 high school in 1974. 09:15:28</p> <p>22 Q. Okay. And after you stopped 09:15:30</p> <p>23 going to community college, where did you 09:15:34</p> <p>24 first work? 09:15:35</p> <p>25 A. Goldman and Gibson. It was a 09:15:36</p>	<p style="text-align: right;">Page 21</p> <p>1 Mallinckrodt, but why don't we try this way. 09:16:25</p> <p>2 When did you first become 09:16:28</p> <p>3 senior manager of controlled substance 09:16:30</p> <p>4 compliance? 09:16:32</p> <p>5 A. I don't remember the year. 09:16:33</p> <p>6 Q. Okay. Do you remember if it 09:16:35</p> <p>7 was the late '70s or the early '80s? 09:16:36</p> <p>8 A. I'm sorry, I don't remember the 09:16:41</p> <p>9 year. 09:16:42</p> <p>10 Q. Okay. And when I say 09:16:42</p> <p>11 "controlled substance compliance," it's my 09:16:43</p> <p>12 understanding that the group was actually 09:16:44</p> <p>13 called DEA compliance at the time. 09:16:46</p> <p>14 A. Correct. 09:16:48</p> <p>15 Q. Does that comport with your 09:16:49</p> <p>16 understanding? 09:16:50</p> <p>17 A. Yes. Yes. 09:16:50</p> <p>18 Q. And so you have no recollection 09:16:51</p> <p>19 of when you became senior manager of DEA 09:16:54</p> <p>20 compliance? 09:16:56</p> <p>21 A. I have recollection, but I 09:16:56</p> <p>22 can't remember the year. I'm sorry. 09:17:00</p> <p>23 Q. Okay. And what is your 09:17:02</p> <p>24 recollection? Is it approximately -- I mean, 09:17:03</p> <p>25 are we talking the 1990s that you became the 09:17:05</p>

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1 senior manager or is it the '80s? 09:17:08

2 A. It would have been in the -- in 09:17:10

3 the -- after 2000. 09:17:13

4 Q. After 2000? 09:17:14

5 A. Yes. 09:17:15

6 Q. Okay. So from the period 09:17:16

7 between when you became senior manager of 09:17:17

8 controlled substance compliance, or DEA 09:17:21

9 compliance, and when you were first started 09:17:23

10 at Mallinckrodt, there was approximately 09:17:26

11 25 years that had passed? 09:17:28

12 A. Yes. 09:17:29

13 Q. Okay. And how was it that you 09:17:29

14 became senior manager of that group after 09:17:38

15 starting as a clerical typist? 09:17:42

16 A. I moved into senior manager 09:17:45

17 after I went to the controlled substances 09:17:48

18 compliance group. I was a coordinator in 09:17:52

19 that department, then became manager and then 09:17:55

20 became senior manager. 09:17:58

21 Q. Okay. And when did you become 09:17:59

22 coordinator of the DEA compliance/CSC? 09:18:04

23 A. I'm not certain of the year. 09:18:07

24 2001, approximate. 09:18:11

25 Q. Okay. That's -- I believe 09:18:13

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1 that's when you said you became senior 09:18:15

2 manager. 09:18:17

3 I was asking when you first 09:18:18

4 became a coordinator, as you described 09:18:19

5 earlier. Approximately when was that? 09:18:21

6 A. No, sir, I'm sorry. I think I 09:18:22

7 said I became senior manager after year 2000, 09:18:24

8 but I couldn't remember the year. I 09:18:27

9 apologize. 09:18:30

10 Q. I got it. 09:18:30

11 So around 2001 is when you 09:18:30

12 became a coordinator -- 09:18:32

13 A. Yes. 09:18:35

14 Q. -- at the control -- 09:18:35

15 A. Yes. 09:18:36

16 Q. -- for the DEA compliance 09:18:37

17 group? 09:18:38

18 A. Yes. Yes. 09:18:38

19 Q. That's helpful. Thank you. 09:18:39

20 And at the time you became 09:18:40

21 involved in the DEA compliance group, were 09:18:45

22 you aware that Mallinckrodt was manufacturing 09:18:48

23 controlled substances? 09:18:50

24 A. Yes. 09:18:50

25 Q. Including prescription opioids? 09:18:51

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1 A. Yes. 09:18:52

2 Q. Okay. And by the way, have you 09:18:55

3 ever worked for the DEA? 09:18:59

4 A. No. 09:19:00

5 Q. Have you ever worked for the 09:19:01

6 government? 09:19:02

7 A. No. 09:19:02

8 Q. Have you worked in any -- for 09:19:03

9 any employer that -- whose responsibility it 09:19:07

10 was to perform diversion-type activities on 09:19:11

11 controlled substances? 09:19:16

12 A. No. 09:19:16

13 Q. Okay. Other than the one year 09:19:17

14 between finishing your -- or other than the 09:19:19

15 one year between when you stopped going to 09:19:23

16 community college and when you started 09:19:26

17 working at Mallinckrodt, fair to say that you 09:19:28

18 had no other employment? 09:19:30

19 In other words, from 1975 to 09:19:33

20 present, you have always worked at 09:19:34

21 Mallinckrodt, correct? 09:19:35

22 A. That is correct. 09:19:36

23 Q. Okay. At the time you joined 09:19:37

24 in 2001, the approximate 2001 time period, 09:19:43

25 when you joined the DEA compliance team, 09:19:46

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1 approximately how large was that team? 09:19:49

2 A. Three or four people. 09:19:51

3 Q. Okay. And who were those three 09:19:53

4 or four people? 09:19:54

5 A. My manager and two other 09:19:54

6 compliance coordinators. 09:20:00

7 Q. Okay. Who was your manager at 09:20:01

8 that time? 09:20:03

9 A. The gentleman's name is Jay 09:20:03

10 Foushee. 09:20:07

11 Q. Okay. 09:20:07

12 A. Would you like for me to spell 09:20:07

13 that? 09:20:09

14 Q. That's okay. We can get it 09:20:09

15 later. 09:20:11

16 A. All right. 09:20:11

17 Q. And so you reported to him? 09:20:12

18 A. Yes. 09:20:14

19 Q. Okay. And you said two other 09:20:15

20 compliance managers. Who -- 09:20:16

21 A. Compliance coordinators. 09:20:19

22 Q. Coordinators, excuse me. 09:20:20

23 A. Yes, sir. 09:20:20

24 Q. Thank you. 09:20:21

25 Who were they? 09:20:23

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1 A. Mary Lewis and a gentleman 09:20:23
 2 named Lee Nelson. 09:20:25
 3 Q. And did the composition or the 09:20:27
 4 size of this team change over time? 09:20:34
 5 A. Yes. 09:20:37
 6 Q. Okay. Did it expand, I assume? 09:20:39
 7 A. Yes. 09:20:41
 8 Q. And when did you -- when do you 09:20:41
 9 recall when it first expanded beyond the 09:20:46
 10 four -- three or four people you've 09:20:48
 11 mentioned? 09:20:52
 12 A. After a few years went by -- 09:20:52
 13 and I'm sorry, I don't know the year -- the 09:20:55
 14 company purchased another -- an additional 09:20:56
 15 controlled substances facility in Hobart, 09:21:00
 16 New York, and the department grew after that. 09:21:04
 17 Q. Okay. Did it -- and how -- to 09:21:07
 18 what extent did it grow? 09:21:10
 19 A. There are two persons who were 09:21:12
 20 in the DEA compliance group at Hobart, 09:21:14
 21 New York, as an isolated department, and we 09:21:17
 22 became one group. And there was another 09:21:21
 23 person who was in the group at our Webster 09:21:24
 24 Groves narcotics manufacturing facility, so 09:21:28
 25 our group became united as one corporate 09:21:29

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1 department, if you will. 09:21:33
 2 Q. Okay. So fair to say it 09:21:34
 3 doubled in size? Your group -- 09:21:37
 4 A. Yes. 09:21:39
 5 Q. -- became seven or eight 09:21:39
 6 people? 09:21:41
 7 A. Yes. 09:21:41
 8 Q. Okay. At any time that you 09:21:42
 9 were involved in the DEA compliance group, 09:21:44
 10 was the group ever comprised of more than ten 09:21:47
 11 individuals? 09:21:51
 12 A. No. 09:21:51
 13 Q. Okay. It was always 09:21:52
 14 approximately anywhere from three to eight 09:21:53
 15 people? 09:21:55
 16 A. Yes. 09:21:55
 17 Q. Okay. Ms. Harper, are you 09:21:55
 18 familiar with the Controlled Substances Act? 09:21:59
 19 A. Yes. 09:22:00
 20 Q. And are you familiar that 09:22:01
 21 pursuant to Controlled Substances Act that 09:22:03
 22 registrants have a fundamental duty to 09:22:05
 23 maintain effective controls against 09:22:13
 24 diversion? 09:22:10
 25 A. Yes, I believe the language is 09:22:10

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1 to guard against diversion, but, yes. 09:22:13
 2 Q. Okay. And are you familiar 09:22:16
 3 that under the -- do you mind if I call the 09:22:20
 4 Controlled Substances Act the CSA? 09:22:24
 5 A. I don't mind. 09:22:25
 6 Q. Okay. Are you familiar that 09:22:26
 7 pursuant to the CSA that registrants have a 09:22:27
 8 duty to monitor and implement a system to 09:22:30
 9 identify suspicious orders? 09:22:32
 10 MR. O'CONNOR: Object to form. 09:22:33
 11 THE WITNESS: Yes, I'm aware. 09:22:35
 12 QUESTIONS BY MR. KO: 09:22:36
 13 Q. Okay. And these obligations 09:22:37
 14 have existed since the time that CSA was 09:22:39
 15 enacted, correct? 09:22:41
 16 MR. O'CONNOR: Object to form. 09:22:42
 17 THE WITNESS: I don't know the 09:22:44
 18 date of the CSA versus the creation of 09:22:47
 19 CFR 21. 09:22:53
 20 QUESTIONS BY MR. KO: 09:22:55
 21 Q. Okay. And by CFR 21, are you 09:22:55
 22 referring to the -- what's commonly referred 09:22:57
 23 to the regs that are interpreting the CSA? 09:22:59
 24 A. Yes. 09:23:04
 25 Q. Okay. Regardless of when they 09:23:04

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1 were enacted, you understood at the time that 09:23:06
 2 you joined the DEA compliance group in 2001 09:23:07
 3 that the CSA required registrants to design 09:23:10
 4 and implement a system to identify suspicious 09:23:15
 5 orders; is that correct? 09:23:19
 6 A. Yes. 09:23:19
 7 Q. Okay. What was your 09:23:21
 8 compensation when you first became a 09:23:24
 9 coordinator at -- in the DEA compliance group 09:23:27
 10 in 2001? 09:23:30
 11 A. I don't know. 09:23:30
 12 Q. Okay. Can you give us an 09:23:32
 13 approximation? 09:23:34
 14 A. I'm sorry, I really can't. 09:23:35
 15 Q. Was it less than \$50,000? 09:23:36
 16 A. I honestly don't know. I can't 09:23:37
 17 remember, I'm sorry. 09:23:40
 18 Q. Okay. Was it less than 09:23:41
 19 \$25,000? 09:23:43
 20 A. I'm sorry, I can't remember. 09:23:43
 21 Q. All right. What was your 09:23:45
 22 compensation when you became senior manager 09:23:47
 23 of DEA compliance? 09:23:49
 24 A. I can't remember my salary over 09:23:50
 25 the years. 09:23:52

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1 Q. Okay. Do you have an 09:23:54
 2 approximate recollection of how much you 09:23:55
 3 made? 09:23:57
 4 A. No, sir. 09:23:57
 5 Q. Okay. Do you recall if it was 09:23:59
 6 \$75,000 or more or above? 09:24:01
 7 A. No, sir, I don't recall. 09:24:03
 8 Q. Okay. Do you know what your 09:24:04
 9 salary is currently? 09:24:09
 10 A. Yes. 09:24:10
 11 Q. Okay. And you're currently 09:24:13
 12 director of controlled substance compliance, 09:24:15
 13 correct? 09:24:18
 14 A. Yes. 09:24:19
 15 Q. And what is your salary 09:24:19
 16 currently? 09:24:21
 17 A. It's -- I'm going to give you 09:24:21
 18 two numbers because I get that mixed up as 09:24:24
 19 well, I'm sorry. It's either [REDACTED] or 09:24:27
 20 [REDACTED] per year. 09:24:31
 21 Q. [REDACTED] 09:24:32
 22 A. [REDACTED]. 09:24:34
 23 Q. [REDACTED] 09:24:35
 24 [REDACTED] 09:24:39
 25 A. [REDACTED] 09:24:40

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1 [REDACTED] 09:24:42
 2 Q. And when did you start 09:24:42
 3 [REDACTED]? 09:24:44
 4 A. I don't recall the year. 09:24:44
 5 Q. Okay. And do you have any 09:24:45
 6 other -- do you have a retirement package at 09:24:49
 7 all? 09:24:51
 8 A. Yes. 09:24:52
 9 Q. Okay. And what does that 09:24:53
 10 consist of? 09:24:54
 11 A. It's 401(k). 09:24:55
 12 Q. Okay. Other than the 401(k) 09:24:56
 13 and [REDACTED], do you 09:24:58
 14 have any other additional compensation in 09:25:01
 15 addition to your salary? 09:25:04
 16 A. Yes. 09:25:05
 17 Q. And what does that consist of? 09:25:07
 18 A. A bonus, an annual bonus. 09:25:08
 19 Q. Okay. And approximately how 09:25:10
 20 much is that? 09:25:11
 21 A. It's -- it's a percent of the 09:25:11
 22 salary based upon the performance of the 09:25:14
 23 company. 09:25:17
 24 Q. Okay. And what's the 09:25:17
 25 approximate percentage that you received last 09:25:18

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1 year? 09:25:20
 2 A. It's [REDACTED] percent. 09:25:20
 3 Q. Okay. And has that -- over the 09:25:23
 4 time that you've either been senior manager 09:25:27
 5 or director of controlled substance 09:25:28
 6 compliance, has it been that approximate 09:25:30
 7 percentage? 09:25:32
 8 A. Yes. 09:25:32
 9 Q. Okay. Great. 09:25:34
 10 Ms. Harper, have you reviewed 09:25:35
 11 any court documents or pleadings in this 09:25:39
 12 case? 09:25:42
 13 A. I'm not certain. 09:25:42
 14 Q. Okay. Are you aware that 09:25:46
 15 there's a case currently pending in Ohio, 09:25:49
 16 generally titled the national opioid 09:25:54
 17 litigation? 09:25:56
 18 A. Yes. 09:25:56
 19 Q. And you're aware that there are 09:25:57
 20 approximately 1500 jurisdictions that have 09:25:58
 21 filed suit against various manufacturers, 09:26:02
 22 distributors and retail pharmacies of 09:26:07
 23 prescription opioids? 09:26:08
 24 A. Yes. 09:26:08
 25 Q. Okay. And are you aware that 09:26:08

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1 these jurisdictions have alleged that these 09:26:09
 2 entities are responsible for the opioid 09:26:12
 3 crisis? 09:26:14
 4 A. Yes. 09:26:15
 5 Q. Okay. By the way, are you 09:26:16
 6 aware -- strike that. 09:26:20
 7 Are you generally aware that 09:26:20
 8 these jurisdictions are alleging that these 09:26:25
 9 entities should be responsible for the costs 09:26:28
 10 that these entities have incurred as a result 09:26:30
 11 of responding to the opioid crisis? 09:26:33
 12 A. Yes, in general. 09:26:35
 13 Q. Okay. And are you aware of any 09:26:36
 14 complaints that have actually been filed 09:26:39
 15 against your company? 09:26:42
 16 A. No. 09:26:43
 17 Q. Okay. So you haven't read any 09:26:46
 18 of the complaints that have been filed 09:26:47
 19 against Mallinckrodt? 09:26:50
 20 A. I've read pieces of the MDL, 09:26:51
 21 but nothing specific to Mallinckrodt. 09:26:55
 22 Q. Okay. When you say "pieces of 09:26:56
 23 the MDL," what do you mean? 09:26:59
 24 A. The multi-district litigation. 09:27:01
 25 Q. And particularly when you say 09:27:03

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1 "pieces," I'm just trying to get an 09:27:04
2 understanding of what you've reviewed. 09:27:06
3 A. So we receive a pharma news 09:27:07
4 brief every single day, and so there will be 09:27:10
5 excerpts from the various matters related to 09:27:13
6 the MDL, Judge Polster's rulings, et cetera. 09:27:16
7 Q. I see. 09:27:20
8 So in other words, you're 09:27:20
9 getting and receiving and reviewing these 09:27:22
10 news updates about the MDL? 09:27:26
11 A. Correct. 09:27:28
12 Q. Okay. Great. 09:27:29
13 Ms. Harper, do you agree that 09:27:30
14 there's an opioid epidemic in this country? 09:27:35
15 MR. O'CONNOR: Object to form. 09:27:37
16 THE WITNESS: Yes, I do. 09:27:38
17 QUESTIONS BY MR. KO: 09:27:39
18 Q. Okay. And are you aware that 09:27:41
19 there's been an opioid epidemic in this 09:27:43
20 country for quite some time? 09:27:45
21 MR. O'CONNOR: Object to form. 09:27:47
22 THE WITNESS: I don't know, 09:27:47
23 sir, what you mean by "quite some 09:27:50
24 time." 09:27:51
25 Can you -- I don't know. 09:27:52

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1 QUESTIONS BY MR. KO: 09:27:53
2 Q. When did you first start 09:27:54
3 believing that there was an opioid epidemic 09:27:57
4 in this country? 09:28:02
5 MR. O'CONNOR: Object to form. 09:28:03
6 THE WITNESS: Approximately 09:28:04
7 mid-2000s. 09:28:05
8 QUESTIONS BY MR. KO: 09:28:06
9 Q. Mid-2000s? 09:28:07
10 A. Yes, sir. 09:28:08
11 Q. Okay. Are you familiar with 09:28:08
12 Mallinckrodt's market share of prescription 09:28:10
13 opioids? 09:28:13
14 A. On some products, yes. 09:28:13
15 Q. Okay. With respect to the 09:28:18
16 generic product line of Mallinckrodt, are you 09:28:20
17 aware of Mallinckrodt's market share in the 09:28:24
18 generic line of business? 09:28:27
19 A. Not overall, no, sir. 09:28:29
20 Q. Okay. Are you aware that 09:28:31
21 Mallinckrodt has been either the number one 09:28:34
22 or number two in terms of market share 09:28:36
23 generic manufacturer of prescription opioids 09:28:40
24 for the last 20 or so years? 09:28:42
25 MR. O'CONNOR: Object to form. 09:28:43

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1 THE WITNESS: That is not 09:28:44
2 the sta -- pardon me, the statistic I 09:28:46
3 have heard. 09:28:48
4 QUESTIONS BY MR. KO: 09:28:48
5 Q. Okay. What is the statistic 09:28:49
6 that you have heard? 09:28:50
7 A. That we're in the top five -- 09:28:50
8 Q. Okay. 09:28:50
9 A. -- of the share of generic 09:28:53
10 suppliers. 09:28:55
11 Q. Okay. And generic suppliers of 09:28:55
12 prescription opioids in particular, correct? 09:28:58
13 A. Yes. 09:28:59
14 Q. Okay. And currently, do you 09:29:00
15 understand that Mallinckrodt has the number 09:29:05
16 one market share of generic prescription 09:29:07
17 opioids? 09:29:10
18 MR. O'CONNOR: Object to form. 09:29:10
19 THE WITNESS: I don't -- I'm 09:29:11
20 sorry. I don't know. I don't know 09:29:12
21 our current market position. 09:29:13
22 QUESTIONS BY MR. KO: 09:29:14
23 Q. Okay. During your time as 09:29:14
24 director or senior manager of controlled 09:29:18
25 substance compliance, have you ever inquired 09:29:21

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1 as to the market share of Mallinckrodt with 09:29:23
2 respect to prescription opioids? 09:29:26
3 A. On certain specific drug 09:29:28
4 substances, yes. 09:29:31
5 Q. And which specific drug 09:29:32
6 substances? 09:29:34
7 A. So I'll use the example 09:29:34
8 methylphenidate. When we're applying for 09:29:40
9 quota, if there is an intent or if we have a 09:29:43
10 belief that we will grow our market share, I 09:29:46
11 need to learn the existing market share that 09:29:48
12 Mallinckrodt holds. 09:29:51
13 Q. Okay. And when over the last 09:29:52
14 20 or so years have you inquired into that? 09:29:57
15 Has that been inquiries that 09:30:03
16 you've made on a fairly regular basis? 09:30:04
17 MR. O'CONNOR: Object to form. 09:30:07
18 THE WITNESS: Yes, in 09:30:07
19 coordination with quota requests to 09:30:08
20 DEA, yes. 09:30:09
21 QUESTIONS BY MR. KO: 09:30:10
22 Q. And those quota requests on an 09:30:10
23 annual basis, correct? 09:30:13
24 A. Quota is granted on an annual 09:30:13
25 basis, but the requests are an iterative 09:30:16

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<p>1 process throughout a calendar year. 09:30:19</p> <p>2 Q. Okay. And so you would say 09:30:20</p> <p>3 that you have regularly -- I just want to 09:30:22</p> <p>4 make sure I understand when you -- when you 09:30:25</p> <p>5 have inquired into understanding 09:30:28</p> <p>6 Mallinckrodt's market share, and you've said 09:30:30</p> <p>7 on a fairly consistent basis, correct? 09:30:32</p> <p>8 A. Yes. 09:30:34</p> <p>9 Q. Okay. And consistent means 09:30:36</p> <p>10 throughout the year, as you've described, in 09:30:40</p> <p>11 connection with issues when dealing with 09:30:42</p> <p>12 quota requests to the DEA? 09:30:45</p> <p>13 MR. O'CONNOR: Object to form. 09:30:47</p> <p>14 THE WITNESS: Yes, throughout 09:30:47</p> <p>15 the year, but on certain drug 09:30:49</p> <p>16 substances at different times, sir. 09:30:51</p> <p>17 QUESTIONS BY MR. KO: 09:30:52</p> <p>18 Q. Okay. Going back to your 09:30:53</p> <p>19 current position as director of controlled 09:30:57</p> <p>20 substance compliance -- 09:31:01</p> <p>21 A. Sorry. 09:31:02</p> <p>22 Q. That's okay. 09:31:03</p> <p>23 -- when did you become 09:31:05</p> <p>24 director? 09:31:07</p> <p>25 A. Within the last six months. 09:31:08</p>	<p>1 Q. And who reports to you? 09:31:57</p> <p>2 A. I have two direct reports. 09:31:58</p> <p>3 They are managers of controlled substances 09:32:01</p> <p>4 compliance. 09:32:04</p> <p>5 Q. And who are they? 09:32:07</p> <p>6 A. There's a gentleman named -- 09:32:07</p> <p>7 his name is Dave Hunter. 09:32:10</p> <p>8 Q. And who is the other person? 09:32:14</p> <p>9 You said there were two? 09:32:17</p> <p>10 A. Eileen Spaulding. 09:32:17</p> <p>11 Q. Okay. And you have worked with 09:32:19</p> <p>12 Mr. Hunter and Ms. Spaulding before, correct? 09:32:21</p> <p>13 A. Correct. 09:32:24</p> <p>14 Q. And you worked with them in 09:32:25</p> <p>15 connection with the controlled substance 09:32:26</p> <p>16 compliance team throughout the time you were 09:32:30</p> <p>17 senior manager, correct? 09:32:31</p> <p>18 A. Correct. 09:32:32</p> <p>19 (Mallinckrodt-Harper Exhibit 1 09:32:40</p> <p>20 marked for identification.) 09:32:40</p> <p>21 QUESTIONS BY MR. KO: 09:32:40</p> <p>22 Q. I'd like to hand you an 09:32:41</p> <p>23 exhibit. Go ahead and mark this as Harper 09:32:42</p> <p>24 Exhibit 1. 09:32:56</p> <p>25 And there's no Bates on this, 09:33:09</p>
Page 39	Page 41
<p>1 Q. Okay. So fairly recently? 09:31:11</p> <p>2 A. Yes, sir. 09:31:12</p> <p>3 Q. And before that, you were 09:31:13</p> <p>4 senior manager of controlled substance 09:31:15</p> <p>5 compliance, correct? 09:31:17</p> <p>6 A. Yes. 09:31:18</p> <p>7 Q. Okay. And so was this 09:31:18</p> <p>8 considered a promotion? 09:31:20</p> <p>9 A. Yes. 09:31:21</p> <p>10 Q. Okay. And who did you replace, 09:31:22</p> <p>11 if at all? If anyone? 09:31:25</p> <p>12 A. No one. 09:31:27</p> <p>13 Q. So was this position created 09:31:28</p> <p>14 for you? 09:31:30</p> <p>15 A. Yes. 09:31:30</p> <p>16 Q. Okay. And what were the 09:31:31</p> <p>17 circumstances of creating this position? 09:31:34</p> <p>18 A. It was an evolution, if you 09:31:36</p> <p>19 will, of my -- my existing job 09:31:39</p> <p>20 responsibilities that merited a different 09:31:43</p> <p>21 title. 09:31:46</p> <p>22 Q. Okay. And now that you're 09:31:46</p> <p>23 director, do you have people that report to 09:31:55</p> <p>24 you? 09:31:56</p> <p>25 A. Yes. 09:31:56</p>	<p>1 but this -- this appears to be a printout of 09:33:12</p> <p>2 your LinkedIn profile; is that correct? 09:33:14</p> <p>3 A. Yes. 09:33:16</p> <p>4 Q. And does that appear to be an 09:33:16</p> <p>5 accurate reflection or copy of your LinkedIn 09:33:19</p> <p>6 profile? 09:33:23</p> <p>7 A. Yes. 09:33:23</p> <p>8 Q. And I don't want to spend too 09:33:23</p> <p>9 much time on it, but I do want to ask you a 09:33:25</p> <p>10 question about your involvement in the 09:33:27</p> <p>11 National Association of Drug Diversion 09:33:33</p> <p>12 Investigators. 09:33:36</p> <p>13 Do you see that reference? I 09:33:37</p> <p>14 believe that's on the next page. 09:33:38</p> <p>15 A. Yes, I see it. Yes. 09:33:43</p> <p>16 Q. And it indicates that you've 09:33:44</p> <p>17 been a member of the NADDI since 2013? 09:33:46</p> <p>18 A. Yes. 09:33:50</p> <p>19 Q. What is the NADDI? 09:33:51</p> <p>20 A. It's a group -- it's a 09:33:54</p> <p>21 consortium of industry, law enforcement 09:34:00</p> <p>22 leaders that assemble to discuss the issues 09:34:05</p> <p>23 around diversion. 09:34:10</p> <p>24 Q. Okay. And diversion of 09:34:12</p> <p>25 controlled substances? 09:34:14</p>

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1	A. Yes.	09:34:15	1	with them?	09:35:56
2	Q. And did you have any	09:34:20	2	A. I'd like to clarify my previous	09:35:57
3	involvement in the NADDI prior to 2013?	09:34:21	3	answer.	09:36:00
4	A. Yes.	09:34:23	4	Q. Sure.	09:36:00
5	Q. Okay. And what was that	09:34:28	5	A. I have been a member of	09:36:00
6	involvement?	09:34:29	6	National Association of Controlled Substances	09:36:02
7	A. We received drug feed -- pardon	09:34:29	7	Authorities.	09:36:05
8	me, information feed entitled "RX News."	09:34:32	8	Q. Okay. Since when?	09:36:05
9	Q. From the NADDI?	09:34:37	9	A. I don't recall the date.	09:36:06
10	A. Yes, sir.	09:34:40	10	Approximately December 2013 forward.	09:36:11
11	Q. Other than receiving news from	09:34:41	11	Q. Okay. So about the same time	09:36:13
12	the NADDI, did you have any other type of	09:34:45	12	you joined the NADDI?	09:36:14
13	involvement with them?	09:34:47	13	A. Yes, sir.	09:36:15
14	A. No.	09:34:48	14	Q. Okay. Did you have any	09:36:16
15	Q. Okay. Were you ever -- the	09:34:50	15	involvement with this National Association of	09:36:17
16	first time you became a member of the NADDI	09:34:55	16	Controlled Substances Authorities prior to	09:36:24
17	was in 2013?	09:34:57	17	2013?	09:36:24
18	A. Yes.	09:34:58	18	A. Not that I recall.	09:36:25
19	Q. Okay. Do you have any	09:35:00	19	Q. Okay. So fair to say other	09:36:28
20	involvement with any type of diversion	09:35:02	20	than the Midwest Substance Compliance working	09:36:33
21	organization prior to 2013?	09:35:05	21	group, prior to 2013 you had no other	09:36:37
22	A. Yes.	09:35:06	22	involvement with any other diversion-type	09:36:43
23	Q. And which one is that?	09:35:08	23	group?	09:36:45
24	A. The group name is Midwest	09:35:09	24	A. Not that I recall.	09:36:46
25	Controlled Substances Compliance Discussion	09:35:09	25	Q. Okay. Did you ever consider	09:36:48
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1	Group.	09:35:18	1	membership or joining any such groups?	09:36:55
2	Q. Okay. And I believe I've seen	09:35:18	2	A. No.	09:36:57
3	plenty of references to that group in the	09:35:21	3	Q. Okay. Why not?	09:36:58
4	documents, but is that -- correct me if I'm	09:35:23	4	A. My job was full time and my	09:36:59
5	wrong, but is that a type of industry working	09:35:27	5	husband was ill, so I did not participate in	09:37:08
6	group?	09:35:28	6	extracurricular activities, if you will.	09:37:12
7	A. That's correct.	09:35:29	7	Q. Okay. And let's take a step	09:37:14
8	Q. In other words, there were	09:35:29	8	back.	09:37:21
9	other manufacturers and distributors that	09:35:30	9	When you became -- I understand	09:37:21
10	were part of that group?	09:35:33	10	you don't recall when you became senior	09:37:24
11	A. No distributors.	09:35:33	11	manager of controlled substance compliance,	09:37:26
12	Q. Okay. So manufacturers of	09:35:35	12	but turning back to the first page of your	09:37:28
13	prescription opioids were in that group; is	09:35:36	13	LinkedIn profile, it indicates that -- or at	09:37:30
14	that correct?	09:35:38	14	least the profile indicates that you have	09:37:34
15	A. Yes.	09:35:38	15	been senior manager for 43 years.	09:37:35
16	Q. Okay. Other than that group,	09:35:39	16	Is that incorrect?	09:37:37
17	any other organization that you were involved	09:35:46	17	A. That's incorrect.	09:37:38
18	in?	09:35:47	18	Q. Okay. It's more accurate to	09:37:39
19	A. No.	09:35:48	19	say that you've been senior manager for some	09:37:41
20	Q. Okay. Are you familiar with	09:35:48	20	period less than 17 years when considering	09:37:44
21	the National Association of Controlled	09:35:51	21	that you joined the controlled substance	09:37:46
22	Substances Authorities?	09:35:53	22	compliance group in 2001?	09:37:48
23	A. Oh, yes.	09:35:53	23	A. Yes.	09:37:49
24	I beg your pardon.	09:35:55	24	Q. Okay. And when you first	09:37:50
25	Q. Okay. So you had involvement	09:35:55	25	became senior manager of the controlled	09:37:55

<p style="text-align: right;">Page 46</p> <p>1 substance compliance group, what were your 09:37:57 2 general responsibilities? 09:38:00 3 A. The same as they were as 09:38:01 4 manager, except with one exception. I had -- 09:38:06 5 when the company met with DEA, I was present 09:38:12 6 at those meetings where I had not been 09:38:16 7 necessarily in my previous position. 09:38:19 8 Q. Okay. So in your previous 09:38:21 9 position, you had never communicated -- or 09:38:22 10 never met with the DEA, but when you became 09:38:26 11 senior manager, you became more involved and 09:38:29 12 met actually with the DEA? 09:38:32 13 MR. O'CONNOR: Object to form. 09:38:33 14 THE WITNESS: So I'd like to 09:38:34 15 clarify, please. 09:38:35 16 QUESTIONS BY MR. KO: 09:38:36 17 Q. Sure. 09:38:36 18 A. All through my career in 09:38:37 19 controlled substances compliance, I 09:38:40 20 communicated with DEA in the course of 09:38:41 21 inspections and on quota requests. 09:38:46 22 Q. Okay. And so how did that 09:38:51 23 change when you became senior manager? 09:38:54 24 A. So there were times when we met 09:38:56 25 with DEA in Washington, DC, and I then would 09:38:58</p>	<p style="text-align: right;">Page 48</p> <p>1 QUESTIONS BY MR. KO: 09:40:46 2 Q. So when you say you had primary 09:40:46 3 responsibilities associated with St. Louis 09:40:49 4 and Hobart facilities, what exactly do you 09:40:51 5 mean? 09:40:54 6 A. Prior to that, the controlled 09:40:54 7 substances compliance group at each facility 09:40:59 8 operated reporting to the management of their 09:41:02 9 separate sites. And so eventually the group 09:41:07 10 became one, and my position provided a 09:41:11 11 corporate oversight for all the facilities 09:41:14 12 that had controlled substances compliance 09:41:17 13 personnel. 09:41:19 14 Q. Okay. And when you became 09:41:19 15 senior manager, those responsibilities 09:41:22 16 continued, correct? 09:41:24 17 A. Yes. 09:41:25 18 Q. Okay. And as you said, you 09:41:26 19 started interacting with the DEA on a more 09:41:28 20 regular basis. 09:41:31 21 Do you recall when you first 09:41:32 22 started communicating with the DEA more 09:41:35 23 frequently? 09:41:37 24 MR. O'CONNOR: Object to form. 09:41:38 25 THE WITNESS: I don't know the 09:41:38</p>
<p style="text-align: right;">Page 47</p> <p>1 participate in those meetings. 09:39:05 2 Q. I see. 09:39:07 3 And a moment ago when you said 09:39:08 4 that the only thing that really changed was 09:39:16 5 your interactions with the DEA relative to 09:39:19 6 when you were a manager, tell -- please 09:39:22 7 describe what your responsibilities were then 09:39:25 8 as a manager of the controlled substance 09:39:27 9 compliance group. 09:39:31 10 A. As a manager of the controlled 09:39:31 11 substances compliance group, I had primary 09:39:33 12 responsibilities associated with the 09:39:38 13 St. Louis plant function in the beginning. 09:39:40 14 And then as time went on, we acquired the 09:39:44 15 Hobart, New York, facility, and they came in 09:39:48 16 as part of our group. 09:39:53 17 MR. KO: Sorry, do you mind if 09:40:15 18 we go off the record for just a 09:40:17 19 second? 09:40:18 20 VIDEOGRAPHER: We're going off 09:40:19 21 the record at 9:40 a.m. 09:40:19 22 (Off the record at 9:40 a.m.) 09:40:25 23 VIDEOGRAPHER: We are back on 09:40:38 24 the record at 9:40 a.m. 09:40:44 25</p>	<p style="text-align: right;">Page 49</p> <p>1 year. Well, it was when I became 09:41:41 2 senior manager, but I don't know that 09:41:44 3 year, I'm sorry. 09:41:45 4 QUESTIONS BY MR. KO: 09:41:45 5 Q. Okay. Real briefly turning 09:41:45 6 back to your membership in the NADDI, are you 09:41:50 7 aware that they conduct trainings on topics 09:41:54 8 such as diversion? 09:41:58 9 A. Yes. 09:42:00 10 Q. Okay. Did you ever attend any 09:42:00 11 of those trainings? 09:42:01 12 A. Yes. 09:42:02 13 Q. Did you ever attend those 09:42:03 14 trainings before 2013? 09:42:04 15 A. I don't think so, but I do not 09:42:06 16 know. 09:42:09 17 Q. Okay. Prior to 2013, did you 09:42:09 18 ever attend any type of training related to 09:42:12 19 diversion? 09:42:16 20 A. Yes. 09:42:16 21 Q. Okay. And what type of 09:42:17 22 trainings? 09:42:18 23 A. So there were DEA conferences 09:42:19 24 for industry. 09:42:22 25 Q. Uh-huh. And -- 09:42:26</p>

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1 A. And -- 09:42:26

2 Q. Go ahead. Sorry. 09:42:27

3 A. I apologize. 09:42:27

4 Q. That's okay. 09:42:28

5 A. They're private industry 09:42:29

6 conferences, not -- so they were hosted by 09:42:33

7 other than DEA. 09:42:40

8 Q. Sure. 09:42:41

9 Similar to the Midwest 09:42:42

10 substance compliance group you were referring 09:42:44

11 to, or something separate? 09:42:45

12 A. Something separate. 09:42:46

13 Q. Okay. And these were put on 09:42:47

14 by, as you said, private entities? 09:42:50

15 A. Yes. 09:42:52

16 Q. Okay. And in the -- from the 09:42:53

17 2001 to 2013 time period, how frequently did 09:42:58

18 you attend these trainings? 09:43:02

19 A. Approximately one per year. 09:43:03

20 Q. One per year. Okay. 09:43:07

21 And the DEA conferences, do you 09:43:08

22 recall going to those on an annual basis or 09:43:10

23 was that less frequent than an annual basis? 09:43:12

24 A. When they were offered, there 09:43:16

25 was a period of time they weren't offered on 09:43:19

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1 an annual basis. But, yes, when they were 09:43:22

2 offered, I would attend, yes. 09:43:23

3 Q. Okay. And do you recall 09:43:25

4 attending a DEA conference in the fall 09:43:27

5 of 2008? 09:43:32

6 A. I'm so sorry, I'm not good on 09:43:32

7 my years. 09:43:37

8 Q. Sure. 09:43:37

9 A. I can't place the fall of 2008 09:43:37

10 and a conference at that time. 09:43:40

11 Q. That's fine. We can get to 09:43:40

12 some documents -- 09:43:42

13 A. Okay. 09:43:42

14 Q. -- that will hopefully refresh 09:43:42

15 your recollection later. 09:43:46

16 A. All right. 09:43:47

17 Q. Do you maintain relationships 09:43:48

18 with any other individuals who have similar 09:43:49

19 jobs as you do for other entities? 09:43:52

20 A. Yes. 09:43:52

21 Q. Which individuals and for what 09:44:02

22 entities do they work for? 09:44:04

23 A. So there's a director of 09:44:05

24 controlled substances compliance at Teva 09:44:12

25 Pharmaceuticals. 09:44:15

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1 Q. Uh-huh. 09:44:15

2 A. Director of controlled 09:44:16

3 substances compliance at Noramco, and 09:44:18

4 representatives -- and I don't know their 09:44:29

5 exact titles -- Actavis and Watson. So those 09:44:30

6 are the ones that come to mind. 09:44:35

7 Q. Okay. And the director of 09:44:38

8 Teva, who is she or he? 09:44:42

9 A. Her name is Colleen McGinn. 09:44:44

10 Q. And how long have you known 09:44:47

11 her? 09:44:49

12 A. Since I joined the controlled 09:44:49

13 substances compliance group. 09:44:52

14 Q. In 2001? 09:44:52

15 A. Yes. 09:44:56

16 Q. Okay. And did you speak with 09:44:57

17 her about diversion-type activities? 09:44:58

18 MR. O'CONNOR: Object to form. 09:45:02

19 THE WITNESS: Yes. 09:45:03

20 QUESTIONS BY MR. KO: 09:45:03

21 Q. And how frequent? 09:45:04

22 A. Intermittently. I don't know 09:45:05

23 the frequency. 09:45:09

24 Q. Okay. Are you aware of Federal 09:45:09

25 Register notices? 09:45:21

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1 A. Yes. 09:45:22

2 Q. Did you regularly review them 09:45:22

3 during your time in the DEA compliance group? 09:45:23

4 A. Yes. 09:45:26

5 MR. O'CONNOR: Object to form. 09:45:26

6 THE WITNESS: Yes. 09:45:28

7 QUESTIONS BY MR. KO: 09:45:28

8 Q. How frequent would you say you 09:45:28

9 reviewed those? 09:45:30

10 A. I or someone in my group 09:45:31

11 monitored the Register every single day. 09:45:37

12 Q. Okay. 09:45:40

13 A. For DEA notices. 09:45:41

14 Q. I see. 09:45:43

15 And when did you start doing 09:45:43

16 that? 09:45:45

17 A. I don't recall the year. It -- 09:45:46

18 I don't recall the year. 09:45:49

19 Q. And would you say it was your 09:45:50

20 responsibility to review those notices? 09:45:54

21 A. Initially, yes. 09:45:57

22 Q. Okay. And when did -- and I 09:45:58

23 assume you don't do that anymore if you said 09:46:04

24 "initially"? 09:46:07

25 A. It depends on the nature of the 09:46:08

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1 notice that we're antici -- if we're 09:46:09
2 anticipating pivotal Federal Register Notice 09:46:10
3 about quota or our DEA registration, I 09:46:12
4 continue to monitor them, but other -- other 09:46:16
5 folks within my team monitor them on a daily 09:46:18
6 basis. 09:46:21
7 Q. Okay. And who would be those 09:46:22
8 individuals? 09:46:24
9 A. The gentleman's name is Dave 09:46:25
10 Hunter. He's the manager at the St. Louis 09:46:29
11 plant. 09:46:31
12 Q. And he also, as you said 09:46:32
13 before, reports to you directly right now? 09:46:37
14 A. Yes. 09:46:39
15 Q. Are you aware of reviewing any 09:46:42
16 Federal Register Notices in the mid-2000s? 09:46:44
17 A. I'm certain -- I'm not certain 09:46:47
18 because I'm mixed up on my years. 09:46:54
19 Q. Sure. 09:46:56
20 But -- so I guess I'm trying to 09:46:56
21 get an understanding of when you started 09:46:58
22 reviewing these Federal Register Notices. 09:47:01
23 A. Certainly that's helpful. 09:47:03
24 When I joined the controlled 09:47:05
25 substances compliance group. 09:47:08

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1 Q. Okay. Again, we'll get to some 09:47:08
2 of those in a moment. 09:47:14
3 A. Okay. 09:47:15
4 Q. Now, when you were in the DEA 09:47:16
5 compliance group, did you become aware of DEA 09:47:25
6 actions and investigations against major 09:47:29
7 distributors? 09:47:33
8 A. Yes. 09:47:33
9 Q. And those major distributors 09:47:34
10 are ABC, Cardinal and McKesson? 09:47:35
11 A. Yes. 09:47:38
12 Q. And did you review the details 09:47:38
13 of these investigations or DEA actions when 09:47:42
14 you became aware of them? 09:47:48
15 MR. O'CONNOR: Object to form. 09:47:48
16 THE WITNESS: Not on a detailed 09:47:49
17 level all the time, but at a high 09:47:53
18 level, yes. 09:47:55
19 QUESTIONS BY MR. KO: 09:47:56
20 Q. Okay. Would it be fair to say 09:47:56
21 that these settlements and DEA actions of the 09:47:58
22 distributors caught your attention in 09:48:01
23 mid-2000 time period? 09:48:04
24 MR. O'CONNOR: Object to form. 09:48:04
25

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1 QUESTIONS BY MR. KO: 09:48:05
2 Q. The mid-2000s? 09:48:06
3 A. Yes. 09:48:07
4 Q. Okay. And would it also be 09:48:07
5 fair to say that up to that point, DEA 09:48:11
6 actions were against small or mid-sized 09:48:15
7 distributors related to their diversion-type 09:48:23
8 activities? 09:48:24
9 A. I can't answer that question. 09:48:24
10 I don't know. 09:48:26
11 Q. Now, at some point did you also 09:48:26
12 become aware of an action involving Purdue? 09:48:31
13 MR. O'CONNOR: Object to form. 09:48:36
14 THE WITNESS: Yes. 09:48:37
15 QUESTIONS BY MR. KO: 09:48:38
16 Q. In particular, did you ever 09:48:40
17 become aware of the Purdue consent decree in 09:48:41
18 2007? 09:48:45
19 A. Yes. 09:48:45
20 Q. And are you aware that that 09:48:45
21 investigation revolved around Purdue's 09:48:50
22 manufacturing, promotion and advertising 09:48:54
23 activities of OxyContin? 09:48:56
24 A. Yes. 09:48:57
25 Q. Okay. And at the time you 09:48:59

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1 became aware of that consent decree, I assume 09:49:04
2 you're also aware that Mallinckrodt was 09:49:08
3 manufacturing a generic form of OxyContin? 09:49:10
4 MR. O'CONNOR: Object to form. 09:49:12
5 THE WITNESS: I don't know the 09:49:12
6 timing of when we entered the market 09:49:16
7 for OxyContin -- or, I'm sorry, the 09:49:18
8 generic oxycodone, so I don't know 09:49:22
9 exactly the timing relative to the 09:49:23
10 Purdue matter. 09:49:25
11 QUESTIONS BY MR. KO: 09:49:26
12 Q. Okay. So you are aware that 09:49:26
13 Mallinckrodt has manufactured oxycodone, 09:49:28
14 correct? 09:49:31
15 A. Yes. 09:49:31
16 Q. And oxycodone, generally 09:49:31
17 speaking, is a generic form of a prescription 09:49:34
18 opioid? 09:49:36
19 A. Oxycodone is the name of the 09:49:38
20 molecule, so, yes, it's -- yes, oxycodone is 09:49:39
21 manufactured into the generic, yes. 09:49:43
22 Q. Okay. And you're also aware 09:49:46
23 that Mallinckrodt manufactured various dosage 09:49:48
24 strengths of oxycodone, correct? 09:49:53
25 A. Yes. 09:49:54

<p style="text-align: right;">Page 58</p> <p>1 Q. Including oxy 15 milligrams and 09:49:55 2 oxy 30 milligrams, correct? 09:49:58 3 A. Yes, in the IR release form, 09:49:59 4 yes. 09:50:03 5 Q. And by "IR" you mean immediate 09:50:03 6 release, correct? 09:50:05 7 A. Yes, sir. 09:50:05 8 Q. Now, one of your primary 09:50:06 9 responsibilities as senior manager of 09:50:28 10 controlled substance compliance was to design 09:50:31 11 and implement a system to identify suspicious 09:50:35 12 orders, correct? 09:50:37 13 MR. O'CONNOR: Object to form. 09:50:37 14 THE WITNESS: We already had a 09:50:39 15 system in place. 09:50:42 16 QUESTIONS BY MR. KO: 09:50:43 17 Q. Okay. So when you say "we 09:50:43 18 already had a system in place," first of all, 09:50:44 19 when -- what time period are you talking 09:50:48 20 about right now? 09:50:49 21 A. All the way back to my days 09:50:50 22 before controlled substances compliance, I 09:50:55 23 was aware that we had a system in place 09:50:58 24 designed to detect orders of unusual pattern, 09:51:02 25 size and frequency. 09:51:05</p>	<p style="text-align: right;">Page 60</p> <p>1 had responsibility, if they saw anything that 09:52:20 2 appeared to be unusual to them, to escalate 09:52:22 3 to their manager. 09:52:24 4 We took precautions to make 09:52:26 5 certain that every single order we shipped 09:52:28 6 was to a valid DEA registration, every order 09:52:30 7 for Schedule II drugs was -- that we received 09:52:35 8 a 222 form that was filled out correctly, and 09:52:39 9 that the order -- the address on the 222 09:52:42 10 forms coincided exactly with the ship to 09:52:45 11 address in our company's order management 09:52:48 12 system. 09:52:51 13 Q. Okay. And I want to get an 09:52:52 14 understanding of when these elements were in 09:52:53 15 place, because I've reviewed a lot of 09:52:57 16 documents in this case and I've been able to 09:53:00 17 determine -- or at least from my 09:53:02 18 interpretation I've been able to see some of 09:53:04 19 these things that you have discussed during 09:53:07 20 certain time periods. But I want to 09:53:08 21 understand what you said a moment ago when 09:53:10 22 you said that Mallinckrodt always had a 09:53:14 23 system. 09:53:15 24 Do you recall that testimony? 09:53:15 25 A. Yes, I do. 09:53:17</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Okay. And what did that 09:51:07 2 system -- what was your understanding of what 09:51:09 3 that system consisted of? 09:51:11 4 A. There was a algorithm in -- 09:51:14 5 programmed by IT into our order entry system 09:51:20 6 that would flag orders for further review. 09:51:26 7 Q. Okay. Other than that 09:51:29 8 algorithm, were there any other elements of 09:51:32 9 that system? 09:51:35 10 A. Yes, quite a few others. 09:51:36 11 Q. Okay. And what did those 09:51:39 12 consist of? 09:51:41 13 A. So we had commercial 09:51:42 14 representative -- national account managers 09:51:46 15 that were our eyes and ears and boots on the 09:51:49 16 ground at the customer accounts. We trained 09:51:51 17 them to be vigilant for any potential sign -- 09:51:54 18 red flags that could be indicative of 09:51:59 19 diversion as they visited customers. 09:52:01 20 May I go on, please? 09:52:05 21 Q. Yeah. 09:52:06 22 A. We have customer service 09:52:07 23 representatives who are veteran in the 09:52:08 24 business, and they were in general familiar 09:52:10 25 with customers' order patterns, and so they 09:52:13</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Are these things that you're 09:53:18 2 describing, are you testifying that 09:53:20 3 Mallinckrodt always had all these elements in 09:53:21 4 connection with the suspicious order 09:53:26 5 monitoring program? 09:53:29 6 MR. O'CONNOR: Object to form. 09:53:29 7 THE WITNESS: There's one that 09:53:30 8 I'm not certain of, but all the other 09:53:35 9 elements, yes, have been in place 09:53:37 10 since I became aware all the way back 09:53:40 11 to my days in manufacturing and within 09:53:42 12 the scope of DEA audits. 09:53:44 13 QUESTIONS BY MR. KO: 09:53:46 14 Q. Okay. So prior to, for 09:53:46 15 example, 2003 -- 09:53:54 16 A. Yes. 09:53:54 17 Q. -- there was -- I just want to 09:53:55 18 make sure I understand. 09:53:58 19 A. Certainly. 09:53:58 20 Q. The suspicious order monitoring 09:53:59 21 program, as you understand it, consisted of 09:54:01 22 both an algorithm and other factors that you 09:54:04 23 had previously described; is that correct? 09:54:07 24 A. Yes. 09:54:07 25 Q. Okay. Now, setting aside what 09:54:09</p>

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1 you understood to be the -- by the way, do 09:54:13
2 you mind if I call suspicious order 09:54:17
3 monitoring "SOM" for short? 09:54:19
4 A. I don't mind. 09:54:20
5 Q. Okay. Other than what you 09:54:21
6 believe to be the elements of Mallinckrodt's 09:54:25
7 SOM program, when you became involved as a 09:54:28
8 senior manager of the controlled substances 09:54:33
9 compliance group, is it accurate to say that 09:54:36
10 one of your primary responsibilities was to 09:54:39
11 design and implement a system to identify 09:54:41
12 suspicious orders? 09:54:44
13 MR. O'CONNOR: Object to form. 09:54:44
14 THE WITNESS: So, sir, we 09:54:45
15 already had a system in place to 09:54:47
16 identify suspicious orders. 09:54:49
17 QUESTIONS BY MR. KO: 09:54:51
18 Q. Okay. Well, it's my 09:54:51
19 understanding that you revised that system 09:54:55
20 over time when you were a senior manager. 09:54:58
21 Is that fair to say? 09:55:00
22 A. Yes. 09:55:01
23 Q. Okay. So during the time that 09:55:02
24 you were senior manager, is it accurate to 09:55:05
25 say that you continued to help design and 09:55:06

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1 implement Mallinckrodt's suspicious order 09:55:10
2 monitoring system? 09:55:12
3 A. Yes. 09:55:13
4 Q. Okay. Now, a fundamental 09:55:14
5 feature of any SOM program is to prevent 09:55:17
6 diversion of controlled substances, so just 09:55:20
7 prescription opioids manufactured by 09:55:23
8 Mallinckrodt; is that correct? 09:55:24
9 MR. O'CONNOR: Object to form. 09:55:25
10 THE WITNESS: Not to prevent, 09:55:26
11 but to guard against diversion. 09:55:30
12 QUESTIONS BY MR. KO: 09:55:32
13 Q. Okay. So you have a 09:55:32
14 distinction between prevent and guard 09:55:33
15 against? 09:55:36
16 A. Yes. 09:55:36
17 Q. Okay. And what is that 09:55:36
18 distinction? 09:55:38
19 A. So prevent is an absolute. It 09:55:38
20 means we can assure that there's never any 09:55:41
21 diversion of our product. 09:55:44
22 Guard against means to the 09:55:46
23 extent we're able, detect orders that may 09:55:50
24 be -- that are cause for further review, 09:56:00
25 sorry. 09:56:02

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1 Q. That's okay. 09:56:03
2 And when you say "may be," is 09:56:04
3 one way to say it that a fundamental feature 09:56:08
4 of a SOM program is to guard against the 09:56:12
5 potential diversion of controlled substances? 09:56:16
6 MR. O'CONNOR: Object to form. 09:56:17
7 THE WITNESS: Yes. 09:56:18
8 QUESTIONS BY MR. KO: 09:56:20
9 Q. Okay. And guarding against the 09:56:20
10 diversion of prescription opioids is an 09:56:23
11 important responsibility of a company that 09:56:25
12 manufactures prescription opioids; wouldn't 09:56:28
13 you say? 09:56:29
14 A. Yes. 09:56:31
15 Q. Okay. And as we discussed 09:56:32
16 before, the CSA imposes that obligation on 09:56:33
17 registrants in the supply chain, including on 09:56:37
18 Mallinckrodt, correct? 09:56:39
19 MR. O'CONNOR: Object to form. 09:56:40
20 THE WITNESS: Yes. 09:56:40
21 QUESTIONS BY MR. KO: 09:56:41
22 Q. And would you agree with me 09:56:43
23 that that would be one of the most 09:56:45
24 fundamental duties of the CSA? 09:56:46
25 MR. O'CONNOR: Object to form. 09:56:48

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1 THE WITNESS: The CSA covers 09:56:48
2 many aspects, my understanding, for -- 09:56:53
3 to maintain the closed system of 09:56:57
4 distribution, and suspicious order 09:57:00
5 monitoring is one of those components. 09:57:02
6 QUESTIONS BY MR. KO: 09:57:03
7 Q. Sure. 09:57:03
8 And I understand that there are 09:57:04
9 a lot of aspects to the CSA, but from your 09:57:06
10 perspective, would you agree with me that 09:57:09
11 guarding against diversion, as you put it, is 09:57:12
12 one of the fundamental duties of the CSA? 09:57:15
13 MR. O'CONNOR: Objection. 09:57:17
14 Form. 09:57:18
15 THE WITNESS: I can't say if 09:57:18
16 it -- yes. Yes. Yes. 09:57:22
17 QUESTIONS BY MR. KO: 09:57:23
18 Q. Okay. Now, as we discussed 09:57:24
19 before, in connection with these duties, you 09:57:29
20 helped revise Mallinckrodt's suspicious order 09:57:33
21 monitoring program, correct? 09:57:36
22 A. Correct. 09:57:37
23 Q. And these revisions occurred 09:57:38
24 generally in the 2000 -- the late, I guess I 09:57:42
25 would say -- I would describe it this way. 09:57:49

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1	These revisions occurred	09:57:50	1	QUESTIONS BY MR. KO:	09:59:34
2	sometime between the 2008 and 2012 time	09:57:52	2	Q. Okay. And when you say you	09:59:35
3	period. Would that be fair to say?	09:57:55	3	were "part of a team," who was on that team?	09:59:36
4	MR. O'CONNOR: Object to form.	09:57:57	4	A. Security.	09:59:38
5	THE WITNESS: Yes, but they're	09:57:58	5	Q. Okay. And security, is that	09:59:42
6	ongoing to this day, yes.	09:57:59	6	Bill Ratliff?	09:59:43
7	QUESTIONS BY MR. KO:	09:58:00	7	A. It was Bill Ratliff, and he's	09:59:44
8	Q. Would it be accurate to say	09:58:00	8	retired, and now it's John Gillies.	09:59:47
9	that there was increased scrutiny on	09:58:01	9	Q. Okay. Anybody other than Bill	09:59:49
10	Mallinckrodt's SOM program in 2008?	09:58:03	10	Ratliff or John Gillies?	09:59:51
11	MR. O'CONNOR: Object to form.	09:58:07	11	A. Yes, legal.	09:59:53
12	THE WITNESS: I can't say that.	09:58:07	12	Q. Was that Mr. Lohman and	09:59:54
13	QUESTIONS BY MR. KO:	09:58:13	13	Ms. Duft?	09:59:56
14	Q. Okay.	09:58:14	14	A. Yes.	10:00:00
15	A. No.	09:58:14	15	Q. Okay. Who else?	10:00:01
16	Q. Do you recall a time in which	09:58:14	16	A. Members of the commercial	10:00:06
17	you believed there was increased scrutiny on	09:58:18	17	group. Members of the IT group.	10:00:09
18	Mallinckrodt's SOM program?	09:58:21	18	Q. So other than security, legal,	10:00:10
19	MR. O'CONNOR: Object to form.	09:58:22	19	commercial and IT, were there any other	10:00:16
20	THE WITNESS: We had ongoing	09:58:23	20	groups or departments that were part of the	10:00:18
21	discussions with DEA, but, yes, yes,	09:58:26	21	SOM team?	10:00:20
22	there was a time.	09:58:29	22	A. Yes. Members of the SOM team	10:00:21
23	QUESTIONS BY MR. KO:	09:58:29	23	came and went through different iterations of	10:00:23
24	Q. And approximately what time	09:58:30	24	the program, so I don't recall the	10:00:27
25	period was that?	09:58:31	25	composition of the team at a specific time,	10:00:29
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1	A. We met with DEA in August	09:58:32	1	but there was a patient and product	10:00:31
2	of 2011, I do remember that date --	09:58:36	2	monitoring group that was a participant in	10:00:34
3	Q. Okay.	09:58:38	3	the team. Credit department was a	10:00:39
4	A. -- and they had some additional	09:58:39	4	participant in the team. And those are the	10:00:42
5	suggestions about potential enhancements of	09:58:41	5	ones I can recall.	10:00:44
6	our suspicious order monitoring program.	09:58:43	6	Q. Okay. Thank you.	10:00:46
7	Q. Do you recall any instances in	09:58:45	7	When you referenced the	10:00:46
8	which you met with DEA prior to that in which	09:58:55	8	commercial group a moment ago, what did that	10:00:51
9	you discussed Mallinckrodt's SOM program?	09:58:59	9	consist of?	10:00:56
10	A. Yes.	09:59:01	10	In other words, who were	10:00:57
11	Q. Okay. When was that?	09:59:02	11	members of that commercial group?	10:00:59
12	A. I don't remember the year, but	09:59:03	12	A. Primarily John Adams.	10:01:00
13	there was a discussion with DEA St. Louis on	09:59:06	13	Q. Anyone else?	10:01:05
14	that topic.	09:59:10	14	A. A gentleman named Steve Becker.	10:01:07
15	Q. Okay. By the way, when you	09:59:11	15	Q. Okay. And Steve Becker was a	10:01:09
16	became senior manager of controlled substance	09:59:16	16	national account manager, correct?	10:01:14
17	compliance group -- of the controlled	09:59:19	17	A. Correct.	10:01:15
18	substance compliance group, you were the --	09:59:21	18	Q. Okay. Were there any other	10:01:16
19	you had the primary responsibility of	09:59:24	19	customer service representatives that were	10:01:18
20	revising and designing Mallinckrodt's SOM	09:59:26	20	part of that group?	10:01:19
21	program; is that fair to say?	09:59:29	21	A. Yes.	10:01:20
22	MR. O'CONNOR: Object to form.	09:59:31	22	Q. Okay. Who were they?	10:01:21
23	THE WITNESS: So it was all --	09:59:32	23	A. The lady's name is Brenda	10:01:22
24	I was part of a team. It was a team	09:59:32	24	Rehkop; she's passed away. Cathy Stewart.	10:01:29
25	effort, sir.	09:59:34	25	Jim Rausch.	10:01:35

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<p>1 Q. And Jim Rausch was part of 10:01:36 2 commercial? 10:01:40 3 A. Well, we distinguish -- 10:01:40 4 customer service is not considered to be part 10:01:46 5 of commercial, although it would seem that it 10:01:47 6 would be, so customer service is a separate 10:01:49 7 group. 10:01:51 8 Q. Okay. Than commercial you're 10:01:51 9 saying? 10:01:53 10 A. Yes. 10:01:53 11 Q. Now, you mentioned some names 10:01:54 12 of people that have been deposed previously 10:01:57 13 in this case in the past few weeks. Many of 10:02:01 14 them have testified that you are the person 10:02:05 15 most knowledgeable about Mallinckrodt's SOM 10:02:07 16 program. 10:02:10 17 Would you agree with that 10:02:10 18 assessment? 10:02:11 19 MR. O'CONNOR: Object to form. 10:02:11 20 THE WITNESS: Well, I'm not a 10:02:12 21 vain person, but, yes, I know a lot 10:02:17 22 about the program, but it's all been 10:02:18 23 with the contributions of a -- a team 10:02:20 24 effort as time has gone on. 10:02:22 25</p>	<p>1 dispensing and consumption of controlled 10:03:34 2 substances. 10:03:39 3 So we have many programs within 10:03:40 4 Mallinckrodt, as a responsible manufacturer, 10:03:42 5 aimed at guarding against diversion. 10:03:45 6 Q. Okay. And taking that last 10:03:46 7 category that you described with respect to 10:03:48 8 educating, I guess the public on safe 10:03:50 9 prescribing and dispensing, when did 10:03:55 10 Mallinckrodt first engage in that type of 10:03:57 11 conduct? 10:04:01 12 A. I do not know the answer. 10:04:01 13 Q. Do you generally recall if it 10:04:03 14 was after 2010? 10:04:06 15 A. I'm sorry, I don't know when 10:04:06 16 the group -- 10:04:08 17 Q. Okay. 10:04:10 18 A. -- was created. 10:04:10 19 Q. And then when you described the 10:04:11 20 law enforcement activities, it seemed like to 10:04:12 21 me, and correct me if I'm wrong, that 10:04:16 22 those -- you provided that type of support 10:04:21 23 when they requested it; is that fair to say? 10:04:23 24 MR. O'CONNOR: Object to form. 10:04:27 25 THE WITNESS: Yes. 10:04:28</p>
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<p>1 QUESTIONS BY MR. KO: 10:02:23 2 Q. Sure. 10:02:23 3 Do you believe there's anyone 10:02:25 4 in the SOM team or anyone else in the 10:02:27 5 company, for that matter, with more knowledge 10:02:30 6 about Mallinckrodt's suspicious order 10:02:31 7 monitoring program than you? 10:02:33 8 MR. O'CONNOR: Object to form. 10:02:36 9 THE WITNESS: I'll say that's 10:02:36 10 unlikely. 10:02:37 11 QUESTIONS BY MR. KO: 10:02:38 12 Q. Okay. By the way, other than 10:02:38 13 the SOM program that you helped revise, 10:02:43 14 design and implement, were there any other 10:02:48 15 programs or systems in place at Mallinckrodt 10:02:53 16 related to diversion of controlled 10:02:57 17 substances? 10:03:00 18 A. Yes. 10:03:00 19 Q. Okay. And what were those? 10:03:04 20 A. So we -- we work with law 10:03:05 21 enforcement and give testimony when 10:03:12 22 requested. We provide placebos for law 10:03:17 23 enforcement use on specific cases. We have a 10:03:20 24 department that educates prescribers and 10:03:25 25 patients on the proper prescribing and 10:03:30</p>	<p>1 QUESTIONS BY MR. KO: 10:04:30 2 Q. Okay. So in other words, there 10:04:30 3 wasn't a program in place in which you were 10:04:32 4 regularly providing testimony, for example, 10:04:35 5 but you were -- you were providing testimony 10:04:37 6 to help law enforcement when they requested 10:04:39 7 it; is that fair? 10:04:41 8 A. So I don't know -- I may not be 10:04:42 9 aware of other people in other groups that 10:04:46 10 provided testimony, such as our research 10:04:48 11 scientists, so -- but those are the times 10:04:50 12 that I am aware. 10:04:54 13 Q. Okay. Now, is it accurate to 10:04:55 14 say that one of the -- you mentioned this a 10:04:56 15 moment ago, but I just want to make sure I 10:05:00 16 understand correctly. 10:05:02 17 But is it accurate to say that 10:05:03 18 one purpose of a SOM program is to identify 10:05:05 19 orders of unusual size? 10:05:08 20 A. Yes. 10:05:10 21 Q. Okay. And would it also be -- 10:05:11 22 well, why is that? 10:05:13 23 A. It's one of the indicators that 10:05:15 24 may be -- that may prompt -- well, should -- 10:05:23 25 will prompt additional investigation of that 10:05:26</p>

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1 order. 10:05:28

2 Q. Okay. And other than that 10:05:29

3 general concept that -- in particular, the 10:05:31

4 size of an order at its most fundamental 10:05:34

5 level is important because an excessive order 10:05:37

6 or an order of -- that's -- that's large 10:05:42

7 could potentially be unusual; is that 10:05:47

8 correct? 10:05:49

9 MR. O'CONNOR: Object to form. 10:05:49

10 THE WITNESS: Yes, but it's all 10:05:50

11 relative to what -- what is large. I 10:05:55

12 can't define large. 10:05:58

13 QUESTIONS BY MR. KO: 10:05:59

14 Q. Sure. 10:05:59

15 But generally speaking, 10:06:00

16 shipping too many prescription opioids could 10:06:01

17 potentially be problematic, correct? 10:06:03

18 MR. O'CONNOR: Objection to 10:06:05

19 form. 10:06:06

20 THE WITNESS: I don't have all 10:06:06

21 the information, I'm sorry, to answer 10:06:08

22 that question completely. 10:06:09

23 QUESTIONS BY MR. KO: 10:06:10

24 Q. Sure. 10:06:11

25 Another purpose of a SOM 10:06:11

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1 program is to identify orders that deviate 10:06:14

2 from a normal pattern; would you agree with 10:06:18

3 me? 10:06:19

4 A. Yes. 10:06:19

5 Q. Okay. And it's important to 10:06:20

6 identify ordering patterns at a general 10:06:22

7 level; is that correct? 10:06:25

8 A. Yes. 10:06:25

9 Q. Okay. And another purpose of a 10:06:27

10 SOM program is to identify orders of unusual 10:06:28

11 frequency; is that fair to say? 10:06:32

12 A. Yes. Yes. 10:06:34

13 Q. And it's important to identify 10:06:35

14 the timing of orders; that would be fair to 10:06:37

15 say? 10:06:39

16 MR. O'CONNOR: Object to form. 10:06:39

17 THE WITNESS: Yes. 10:06:40

18 QUESTIONS BY MR. KO: 10:06:41

19 Q. Okay. And would you agree with 10:06:41

20 me that one of -- or another central purpose 10:06:43

21 of identifying suspicious orders is to avoid 10:06:47

22 filling them for any other purpose than 10:06:50

23 legitimate, scientific or medical needs? 10:06:53

24 MR. O'CONNOR: Object to form. 10:06:55

25 THE WITNESS: Yes. 10:06:56

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1 QUESTIONS BY MR. KO: 10:07:01

2 Q. Okay. Would you agree with me 10:07:01

3 that an effective SOM program would be able 10:07:05

4 to identify whether a pharmacy or clinic is 10:07:08

5 ordering excessive quantities of controlled 10:07:12

6 substances? 10:07:15

7 MR. O'CONNOR: Object to form. 10:07:15

8 THE WITNESS: No. 10:07:16

9 QUESTIONS BY MR. KO: 10:07:16

10 Q. Okay. You don't believe that 10:07:18

11 would be an effective SOM program, or you 10:07:18

12 wouldn't -- you don't agree with me? 10:07:21

13 A. So would you please rephrase 10:07:23

14 the question? 10:07:25

15 Q. Sure. 10:07:26

16 Would you agree with me that an 10:07:27

17 effective SOM program would be able to 10:07:28

18 identify whether a pharmacy or a clinic is 10:07:31

19 ordering excessive quantities of controlled 10:07:34

20 substances? 10:07:36

21 MR. O'CONNOR: Same objection. 10:07:36

22 THE WITNESS: So the components 10:07:37

23 of the SOM program that point out a 10:07:43

24 reason for further investigation, 10:07:50

25 they're not singular. So DEA tells us 10:07:52

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1 that these things are to be considered 10:07:58

2 during the course of our 10:08:00

3 investigation, but no one factor is 10:08:02

4 conclusively -- indicates diversion. 10:08:05

5 QUESTIONS BY MR. KO: 10:08:12

6 Q. Sure, I understand that, and I 10:08:13

7 understand that there are several different 10:08:15

8 things that you may consider. 10:08:17

9 But would you agree with me 10:08:18

10 that one aspect of an effective SOM program 10:08:19

11 would be to identify pharmacies or clinics 10:08:24

12 that order excessive amounts of controlled 10:08:26

13 substances? 10:08:29

14 MR. O'CONNOR: Object to form. 10:08:29

15 THE WITNESS: So we do not sell 10:08:29

16 to pharmacies or clinics. We sell to 10:08:32

17 wholesalers and distributors. 10:08:36

18 QUESTIONS BY MR. KO: 10:08:37

19 Q. I understand that. 10:08:38

20 But as -- as an entity that 10:08:39

21 sells to wholesalers, distributors, you know 10:08:41

22 that eventually those products are going 10:08:44

23 somewhere else; is that fair to say? 10:08:47

24 A. Yes. 10:08:49

25 Q. The distributors aren't 10:08:49

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1 necessarily providing them directly to the 10:08:50
2 consumers at that point, correct? 10:08:54
3 A. Yes. Yes. 10:08:55
4 Q. So eventually these 10:08:55
5 distributors distribute these controlled 10:08:58
6 substances to, among other entities, 10:09:03
7 pharmacies and clinics; is that correct? 10:09:05
8 A. Yes. 10:09:07
9 Q. Okay. So would you agree with 10:09:08
10 me that one component of a -- an effective 10:09:10
11 suspicious order monitoring program is to 10:09:14
12 identify whether or not these downstream 10:09:16
13 pharmacies or clinics are ordering excessive 10:09:19
14 quantities of controlled substances? 10:09:21
15 MR. O'CONNOR: Object to form. 10:09:22
16 THE WITNESS: We -- throughout 10:09:23
17 time we've been asking -- we always 10:09:26
18 ask DEA for additional guidance 10:09:29
19 because the regulations state "know 10:09:30
20 your customer." 10:09:32
21 QUESTIONS BY MR. KO: 10:09:33
22 Q. Right. 10:09:34
23 A. And we weren't aware of an 10:09:35
24 obligation, if you will, to monitor 10:09:41
25 customers' customers or if the tools existed 10:09:43

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1 to do so. 10:09:48
2 Q. And we'll get to that in a 10:09:49
3 moment, but I just have a very specific 10:09:53
4 question that I was hoping that you could 10:09:55
5 answer. 10:09:56
6 Now, you agreed with me that 10:09:57
7 distributors sell downstream to pharmacies 10:10:01
8 and clinics, correct? 10:10:03
9 A. That's correct. 10:10:04
10 Q. And at some point -- and I 10:10:05
11 understand your testimony that you became 10:10:06
12 aware that you had to, in your words, know 10:10:08
13 your customer, correct? 10:10:10
14 A. Know your customer is part of 10:10:11
15 the regulations. 10:10:13
16 Q. Right. 10:10:14
17 And then also you talked about 10:10:14
18 knowing your customer's customer as well, 10:10:16
19 correct? 10:10:19
20 A. Yes. 10:10:19
21 Q. And putting aside when you 10:10:19
22 became aware of that, I'm simply asking you: 10:10:22
23 Would you agree with me that one component of 10:10:24
24 an effective SOM program would be to identify 10:10:27
25 whether or not a downstream pharmacy or 10:10:31

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1 clinic is ordering excessive quantities of 10:10:33
2 controlled substances? 10:10:36
3 MR. O'CONNOR: Object to form. 10:10:36
4 THE WITNESS: So, yes, that 10:10:38
5 could be one component. 10:10:41
6 QUESTIONS BY MR. KO: 10:10:42
7 Q. Okay. Now, would you also 10:10:42
8 agree with me that an effective SOM program 10:10:49
9 would be able to identify whether or not that 10:10:53
10 downstream pharmacy or clinic was ordering 10:10:56
11 from multiple distributors? 10:10:58
12 MR. O'CONNOR: Object to form. 10:10:59
13 THE WITNESS: It could be one 10:11:00
14 component, yes. 10:11:03
15 QUESTIONS BY MR. KO: 10:11:04
16 Q. Okay. And in fact, that was 10:11:04
17 something that was important to Mallinckrodt 10:11:06
18 to try and determine at some point in the, I 10:11:08
19 believe, the 2010 or 2011 time period, 10:11:15
20 correct? 10:11:19
21 MR. O'CONNOR: Object to form. 10:11:19
22 THE WITNESS: When we received 10:11:19
23 guidance from DEA that that was an 10:11:20
24 appropriate thing to monitor, yes. 10:11:22
25

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1 QUESTIONS BY MR. KO: 10:11:23
2 Q. Okay. So in other words, if a 10:11:23
3 downstream pharmacy or clinic was ordering 10:11:25
4 the same oxy 15 manufactured by Mallinckrodt 10:11:26
5 from five different distributors, it would be 10:11:30
6 important to know that, correct? 10:11:32
7 A. It could be one indicator -- 10:11:34
8 Q. Right. 10:11:37
9 A. -- precipitating further 10:11:37
10 review. 10:11:40
11 Q. And you would agree with me 10:11:40
12 that an effective SOM program would be able 10:11:41
13 to determine or identify whether or not that 10:11:44
14 downstream pharmacy or clinic was ordering 10:11:47
15 from multiple distributors, correct? 10:11:49
16 MR. O'CONNOR: Object to form. 10:11:51
17 THE WITNESS: Yes. That's one 10:11:52
18 component of many, yes. 10:11:54
19 QUESTIONS BY MR. KO: 10:11:55
20 Q. Now, some of these factors we 10:12:07
21 were just discussing, is it fair to say that 10:12:09
22 you acquired this knowledge of -- strike 10:12:14
23 that. 10:12:19
24 Was there ever a time when you 10:12:19
25 were senior manager of controlled substance 10:12:28

<p style="text-align: right;">Page 82</p> <p>1 compliance where you became aware that 10:12:30</p> <p>2 relying on a simple algorithm or numerical 10:12:38</p> <p>3 formulation alone was insufficient for 10:12:41</p> <p>4 purposes of complying with your duties under 10:12:43</p> <p>5 the CSA? 10:12:45</p> <p>6 MR. O'CONNOR: Object to form. 10:12:45</p> <p>7 THE WITNESS: Yes. 10:12:46</p> <p>8 QUESTIONS BY MR. KO: 10:12:46</p> <p>9 Q. Okay. And approximately when 10:12:46</p> <p>10 was that? 10:12:48</p> <p>11 A. It was a guidance letter from 10:12:51</p> <p>12 DEA. 10:12:54</p> <p>13 Q. Okay. 10:12:54</p> <p>14 A. And it was 2006 or 2007. 10:12:54</p> <p>15 Q. Okay. So you would agree with 10:12:59</p> <p>16 me then that an ineffective SOM program would 10:13:00</p> <p>17 be one that just simply relies on numerical 10:13:07</p> <p>18 formulas to try and understand orders that 10:13:11</p> <p>19 are suspicious; is that fair to say? 10:13:14</p> <p>20 MR. O'CONNOR: Object to form. 10:13:17</p> <p>21 THE WITNESS: That's the 10:13:17</p> <p>22 guidance that -- yes, from DEA. 10:13:18</p> <p>23 QUESTIONS BY MR. KO: 10:13:19</p> <p>24 Q. Okay. Well, regardless of the 10:13:19</p> <p>25 guidance that you received, I'm just simply 10:13:21</p>	<p style="text-align: right;">Page 84</p> <p>1 the algorithm and some of the other factors 10:14:24</p> <p>2 that you were describing before? 10:14:26</p> <p>3 A. Yes. 10:14:28</p> <p>4 Q. And turning to that algorithm, 10:14:28</p> <p>5 what was your understanding of what that 10:14:31</p> <p>6 algorithm consisted of? 10:14:34</p> <p>7 A. I don't know the specific 10:14:36</p> <p>8 multiplier, but it measured each customer 10:14:39</p> <p>9 against their previous order history. 10:14:43</p> <p>10 Q. Okay. And when you say a 10:14:48</p> <p>11 "multiplier," what do you mean? 10:14:54</p> <p>12 A. There was a formula that 10:14:55</p> <p>13 indicated -- a cause for additional 10:14:59</p> <p>14 investigation would be if that order pattern 10:15:02</p> <p>15 exceeded a certain formula, such 1.5 as a 10:15:07</p> <p>16 multiplier. 10:15:10</p> <p>17 Q. And a 1.5 multiplier relative 10:15:11</p> <p>18 to what? 10:15:14</p> <p>19 A. That customer's previous order 10:15:15</p> <p>20 pattern. 10:15:18</p> <p>21 Q. Okay. And I have seen some 10:15:18</p> <p>22 references in the documents to a previous 10:15:20</p> <p>23 order pattern consisting of anywhere from 7 10:15:22</p> <p>24 to 18 months. 10:15:26</p> <p>25 Does that comport with your 10:15:27</p>
<p style="text-align: right;">Page 83</p> <p>1 asking you today, as you sit here in your 10:13:22</p> <p>2 position as someone that is most 10:13:25</p> <p>3 knowledgeable about Mallinckrodt's SOM 10:13:28</p> <p>4 program: Would you agree with me that an 10:13:31</p> <p>5 ineffective SOM program would be one that 10:13:34</p> <p>6 simply relies on numerical formulas to 10:13:38</p> <p>7 identify suspicious orders? 10:13:40</p> <p>8 MR. O'CONNOR: Object to form. 10:13:41</p> <p>9 THE WITNESS: Yes. 10:13:42</p> <p>10 QUESTIONS BY MR. KO: 10:13:42</p> <p>11 Q. Okay. Now, you talked a moment 10:13:49</p> <p>12 ago about how there was always -- as far as 10:13:51</p> <p>13 you know, there was always an SOM program at 10:13:54</p> <p>14 Mallinckrodt as far as -- as long as you 10:13:57</p> <p>15 could recall. 10:14:01</p> <p>16 A. Yes. 10:14:01</p> <p>17 Q. Now, from my position, looking 10:14:01</p> <p>18 at the documents, the first reference I see 10:14:05</p> <p>19 to an SOM program existing at Mallinckrodt is 10:14:07</p> <p>20 from 2003. 10:14:11</p> <p>21 Is it your testimony that an 10:14:13</p> <p>22 SOM program existed prior to that? 10:14:15</p> <p>23 A. Yes. 10:14:16</p> <p>24 Q. Okay. And the program prior to 10:14:17</p> <p>25 2003 consisted of, in your testimony, of both 10:14:21</p>	<p style="text-align: right;">Page 85</p> <p>1 general understanding? 10:15:30</p> <p>2 MR. O'CONNOR: Object to form. 10:15:31</p> <p>3 THE WITNESS: I don't know. I 10:15:31</p> <p>4 know about the 18 months; I don't know 10:15:33</p> <p>5 about the seven. 10:15:34</p> <p>6 QUESTIONS BY MR. KO: 10:15:37</p> <p>7 Q. Okay. But generally speaking, 10:15:37</p> <p>8 what you mean when you say "multiplier" and 10:15:41</p> <p>9 when you referenced 1.5, are you saying that 10:15:42</p> <p>10 the algorithm in place before 2003 was 10:15:44</p> <p>11 utilization of some multiplier relative to 10:15:50</p> <p>12 the previous ordering history of a 10:15:52</p> <p>13 Mallinckrodt customer? Is that accurate? 10:15:55</p> <p>14 A. Yes. Yes. 10:15:57</p> <p>15 Q. Okay. And the customers at the 10:15:57</p> <p>16 time, of course, are wholesale distributors, 10:15:59</p> <p>17 right? 10:16:01</p> <p>18 A. I can't -- we only sold to 10:16:02</p> <p>19 other manufacturers from the St. Louis plant 10:16:08</p> <p>20 manufacturing until we acquired our Hobart, 10:16:12</p> <p>21 New York, facility, and I always forget what 10:16:16</p> <p>22 year that was. I'm sorry. 10:16:18</p> <p>23 Q. Okay. So prior to -- was that 10:16:19</p> <p>24 generally 2004, 2005; do you know? 10:16:21</p> <p>25 A. I can't remember the year, I'm 10:16:24</p>

<p style="text-align: right;">Page 86</p> <p>1 sorry. 10:16:25</p> <p>2 Q. Okay. That's all right. 10:16:25</p> <p>3 That's helpful. 10:16:26</p> <p>4 So before acquiring the Hobart 10:16:27</p> <p>5 facility, Mallinckrodt was only distributing 10:16:30</p> <p>6 to other manufacturers? 10:16:32</p> <p>7 A. Yes, and some researchers, yes. 10:16:33</p> <p>8 Q. Okay. 10:16:37</p> <p>9 A. But not wholesalers, 10:16:37</p> <p>10 distributors. 10:16:39</p> <p>11 Q. And these other manufacturers 10:16:39</p> <p>12 included entities like Purdue? 10:16:42</p> <p>13 A. I don't know if Purdue was a 10:16:44</p> <p>14 customer, but they were dosage pharm 10:16:45</p> <p>15 manufacturers who chose to buy our bulk 10:16:48</p> <p>16 narcotics. 10:16:51</p> <p>17 Q. Right. Okay. 10:16:52</p> <p>18 So then -- thank you for 10:16:53</p> <p>19 bringing up the bulk narcotics. 10:16:55</p> <p>20 This order -- excuse me. This 10:16:57</p> <p>21 SOM program that you're describing, was there 10:17:03</p> <p>22 an SOM program that existed both with respect 10:17:05</p> <p>23 to Mallinckrodt's bulk business and its 10:17:08</p> <p>24 dosage business at the time you became 10:17:14</p> <p>25 involved in the DEA compliance group? 10:17:17</p>	<p style="text-align: right;">Page 88</p> <p>1 a SOM program for anything other than the 10:18:11</p> <p>2 bulk side of the business; is that accurate? 10:18:14</p> <p>3 MR. O'CONNOR: Object to form. 10:18:16</p> <p>4 THE WITNESS: Yes. 10:18:17</p> <p>5 QUESTIONS BY MR. KO: 10:18:19</p> <p>6 Q. Okay. 10:18:19</p> <p>7 MR. O'CONNOR: Counsel, we've 10:18:30</p> <p>8 been going a little more than an hour. 10:18:31</p> <p>9 Should we take a break? 10:18:35</p> <p>10 MR. KO: Sure. 10:18:36</p> <p>11 VIDEOGRAPHER: We are going off 10:18:36</p> <p>12 the record at 10:18 a.m. 10:18:38</p> <p>13 (Off the record at 10:18 a.m.) 10:18:39</p> <p>14 VIDEOGRAPHER: We are back on 10:35:34</p> <p>15 the record at 10:35 a.m. 10:35:43</p> <p>16 QUESTIONS BY MR. KO: 10:35:44</p> <p>17 Q. Welcome back from the break, 10:35:46</p> <p>18 Ms. Harper. 10:35:49</p> <p>19 A. Thank you. 10:35:49</p> <p>20 Q. Now, at some point in time when 10:35:50</p> <p>21 you were involved in the controlled substance 10:35:52</p> <p>22 compliance group, did you become aware of 10:35:54</p> <p>23 diversion issues in the state of Florida in 10:35:58</p> <p>24 particular? 10:36:01</p> <p>25 MR. O'CONNOR: Object to form. 10:36:02</p>
<p style="text-align: right;">Page 87</p> <p>1 A. It always existed for the bulk 10:17:19</p> <p>2 business, and it existed when we bought the 10:17:24</p> <p>3 Hobart facility. But I'm sorry, I can't 10:17:26</p> <p>4 remember what year that was relative to when 10:17:29</p> <p>5 I was in the DEA compliance group, but I 10:17:31</p> <p>6 believe it was during my time in the DEA 10:17:34</p> <p>7 compliance group, yes. 10:17:37</p> <p>8 Q. Okay. And then I just want to 10:17:38</p> <p>9 make sure the record is clear because we're 10:17:39</p> <p>10 talking about the bulk business. But when 10:17:41</p> <p>11 did you became {sic} aware of an algorithm or 10:17:43</p> <p>12 a suspicious order monitoring program that 10:17:45</p> <p>13 applied to the dosage side of Mallinckrodt's 10:17:49</p> <p>14 business? 10:17:55</p> <p>15 MR. O'CONNOR: Object to form. 10:17:55</p> <p>16 THE WITNESS: When we began 10:17:55</p> <p>17 participating in the dosage generic 10:17:58</p> <p>18 business. 10:18:00</p> <p>19 QUESTIONS BY MR. KO: 10:18:00</p> <p>20 Q. And that was after you acquired 10:18:01</p> <p>21 the Hobart facility? 10:18:02</p> <p>22 A. Yes. 10:18:04</p> <p>23 Q. Okay. So prior to that time, 10:18:04</p> <p>24 Mallinckrodt did not have -- because they 10:18:06</p> <p>25 weren't participating. But they did not have 10:18:09</p>	<p style="text-align: right;">Page 89</p> <p>1 THE WITNESS: Yes. 10:36:02</p> <p>2 QUESTIONS BY MR. KO: 10:36:03</p> <p>3 Q. Okay. And approximately when 10:36:03</p> <p>4 was that? 10:36:04</p> <p>5 A. I don't know the exact year. 10:36:04</p> <p>6 I'm sorry. 10:36:10</p> <p>7 Q. Okay. And were you aware of 10:36:10</p> <p>8 the problems that existed in Florida through, 10:36:13</p> <p>9 among other things, communications with the 10:36:15</p> <p>10 DEA? 10:36:17</p> <p>11 MR. O'CONNOR: Object to form. 10:36:18</p> <p>12 THE WITNESS: Yes. 10:36:18</p> <p>13 QUESTIONS BY MR. KO: 10:36:21</p> <p>14 Q. Okay. And is it fair to say 10:36:21</p> <p>15 that the DEA was focused on the distribution 10:36:24</p> <p>16 of Mallinckrodt oxy -- oxycodone 10:36:28</p> <p>17 15 milligrams and oxycodone 30 milligrams? 10:36:32</p> <p>18 MR. O'CONNOR: Object to form. 10:36:35</p> <p>19 THE WITNESS: Yes. 10:36:36</p> <p>20 QUESTIONS BY MR. KO: 10:36:36</p> <p>21 Q. Okay. And do you mind if I 10:36:37</p> <p>22 call that, just for shorthand, oxy 15 and 10:36:40</p> <p>23 oxy 30s? 10:36:47</p> <p>24 A. I don't mind. 10:36:48</p> <p>25 Q. So you were aware at some point 10:36:49</p>

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1	in time when you were involved with the 10:36:52	1	THE WITNESS: Yes. 10:38:30
2	controlled substance compliance group that 10:36:53	2	QUESTIONS BY MR. KO: 10:38:30
3	Mallinckrodt was manufacturing a substantial 10:36:57	3	Q. And the Oxy Express is also 10:38:30
4	amount of oxy 15s and 30s that were ending up 10:36:59	4	shorthand for the migration of pills from 10:38:32
5	in Florida; is that accurate? 10:37:03	5	Florida up north through the I-75 corridor; 10:38:38
6	MR. O'CONNOR: Objection to 10:37:05	6	is that fair to say? 10:38:42
7	form. 10:37:06	7	A. I'm not certain of the exact 10:38:42
8	THE WITNESS: So I don't know 10:37:06	8	road, but, yes, yes, in general. 10:38:44
9	our market share over time, and 10:37:07	9	Q. Okay. But generally speaking, 10:38:45
10	substantial is -- I don't have enough 10:37:08	10	you agree with me that the Oxy Express refers 10:38:47
11	information relative to other 10:37:10	11	to the migration of pills outside of the 10:38:50
12	suppliers to answer that question. 10:37:11	12	state of Florida? 10:38:51
13	I'm sorry. 10:37:13	13	A. Yes. 10:38:52
14	QUESTIONS BY MR. KO: 10:37:13	14	Q. Okay. And these pill migrated 10:38:52
15	Q. Sure. 10:37:13	15	to other states, including, for example, 10:38:55
16	But you knew that -- you became 10:37:13	16	Ohio; is that correct? 10:38:58
17	aware at some point that Mallinckrodt was 10:37:16	17	MR. O'CONNOR: Objection to 10:38:59
18	sending hundreds of millions of pills to the 10:37:19	18	form. 10:38:59
19	state of Florida, and in particular oxy 15s 10:37:22	19	THE WITNESS: Yes. 10:38:59
20	and oxy 30s; is that fair to say? 10:37:25	20	QUESTIONS BY MR. KO: 10:39:00
21	A. So we sell to wholesalers and 10:37:28	21	Q. Okay. Have you ever heard the 10:39:01
22	distributors who subsequently sell to 10:37:31	22	term "blue highway"? 10:39:04
23	downstream registrants. Some of those are in 10:37:34	23	A. No. 10:39:06
24	Florida, yes, but I believe we only have one 10:37:36	24	Q. Okay. You understood that 10:39:07
25	distributor actually located within the state 10:37:38	25	Mallinckrodt oxy 15s and 30s were blue, 10:39:09
Page 91		Page 93	
1	of Florida. 10:37:40	1	correct? 10:39:13
2	Q. Yeah. 10:37:40	2	A. Oh, yes. Yes. 10:39:13
3	And setting aside who you 10:37:41	3	Q. Okay. And you understood that 10:39:14
4	directly sold to, at some point in time you 10:37:44	4	a distinct feature of these oxy 15s and 30s 10:39:15
5	became acutely aware of the amount of oxy 15s 10:37:47	5	and -- were -- was the fact that they were 10:39:20
6	and 30s that were ending up in Florida, 10:37:51	6	blue, and they were one of the only 10:39:22
7	regardless of who you initially sold them to; 10:37:55	7	prescription opioids on the market that were 10:39:24
8	is that fair to say? 10:37:58	8	that color. 10:39:25
9	A. Yes. 10:37:58	9	MR. O'CONNOR: Objection to 10:39:26
10	Q. Okay. And you also became 10:37:59	10	form. 10:39:27
11	aware that Mallinckrodt-manufactured generic 10:38:03	11	QUESTIONS BY MR. KO: 10:39:27
12	opioids, including oxy 15s and 30s, were 10:38:07	12	Q. Do you understand that to be 10:39:28
13	being widely abused and diverted in Florida; 10:38:10	13	the case? 10:39:29
14	is that fair to say? 10:38:16	14	A. So I know that oxy 30s are 10:39:29
15	MR. O'CONNOR: Objection to 10:38:16	15	blue. I'm not certain if oxy 15s are blue or 10:39:32
16	form. 10:38:17	16	not, sir, I'm sorry. They may be a different 10:39:35
17	THE WITNESS: Yes. 10:38:17	17	color. 10:39:38
18	QUESTIONS BY MR. KO: 10:38:17	18	Q. Okay. So with respect to at 10:39:38
19	Q. Okay. And are you also 10:38:18	19	least oxy 30 -- and again, we're talking 10:39:39
20	familiar with the term "the Oxy Express"? 10:38:20	20	about the IR oxy 30s. 10:39:41
21	A. Yes. 10:38:24	21	A. Yes. 10:39:43
22	Q. In fact, you gave a 10:38:24	22	Q. Those pills were blue, and you 10:39:44
23	presentation, I believe, at one point in time 10:38:25	23	understood that those pills were migrating 10:39:47
24	about the Oxy Express; is that accurate? 10:38:26	24	north away from Florida; is that fair to say? 10:39:49
25	MR. O'CONNOR: Object to form. 10:38:29	25	MR. O'CONNOR: Objection to 10:39:51

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1 form. 10:39:51

2 THE WITNESS: Yes. 10:39:52

3 QUESTIONS BY MR. KO: 10:39:52

4 Q. Okay. We'll get to this a 10:39:53

5 little bit later, but about a year and a half 10:40:02

6 ago you obviously became aware of a 10:40:06

7 settlement between Mallinckrodt and DOJ; is 10:40:07

8 that correct? 10:40:11

9 A. Yes. 10:40:11

10 Q. And the settlement was with 10:40:12

11 respect to Mallinc -- among other things, 10:40:13

12 Mallinckrodt's conduct with respect to 10:40:16

13 suspicious order monitoring of controlled 10:40:21

14 substances, correct? 10:40:23

15 A. Yes. 10:40:24

16 Q. Okay. And the settlement 10:40:27

17 resulted in a \$35 million payment by your 10:40:32

18 employer to the government, correct? 10:40:34

19 A. Yes. 10:40:36

20 Q. Okay. And given that the 10:40:38

21 settlement revolved largely around 10:40:40

22 Mallinckrodt's suspicious order monitoring 10:40:44

23 activities -- I mean, that was something that 10:40:48

24 was your responsibility during the relevant 10:40:52

25 time period covered under the settlement; is 10:40:55

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1 that correct? 10:40:57

2 MR. O'CONNOR: Objection to 10:40:57

3 form. 10:40:57

4 THE WITNESS: Yes. 10:40:58

5 QUESTIONS BY MR. KO: 10:41:00

6 Q. Okay. And the relevant time 10:41:00

7 period of the settlement, I believe, or the 10:41:02

8 covered conduct as described in the 10:41:04

9 settlement -- actually, strike that. 10:41:07

10 Are you familiar with the terms 10:41:09

11 of the settlement? 10:41:10

12 A. Yes. 10:41:10

13 Q. You reviewed them? 10:41:11

14 A. Yes. 10:41:12

15 Q. Did you play a role in 10:41:13

16 negotiating any of the terms? 10:41:15

17 A. No. 10:41:17

18 Q. Okay. That was presumably done 10:41:18

19 by counsel? 10:41:21

20 A. Yes. 10:41:21

21 Q. Both in-house and outside 10:41:22

22 counsel? 10:41:24

23 A. Yes. 10:41:24

24 Q. Okay. Were you consulted at 10:41:25

25 all in connection with the settlement? 10:41:27

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1 A. Yes. 10:41:28

2 Q. Okay. And I understand the 10:41:29

3 settlement includes a period described 10:41:33

4 "covered conduct." 10:41:37

5 Do you recall that provision of 10:41:37

6 the settlement agreement? 10:41:39

7 A. Yes. 10:41:40

8 Q. And the time period for that 10:41:40

9 covered conduct was from January 1, 2008, to 10:41:42

10 January 1, 2012. 10:41:47

11 Is that consistent with your 10:41:48

12 understanding? 10:41:49

13 A. I don't remember the specific 10:41:50

14 times of the covered conduct, but -- 10:41:52

15 Q. Okay. 10:41:52

16 A. I don't. I'm sorry. 10:41:54

17 Q. All right. That's fine. We 10:41:56

18 can get to that later. 10:41:56

19 A. Okay. 10:41:57

20 Q. But in general terms, there was 10:41:57

21 a period of time in which the government 10:41:59

22 alleged that Mallinckrodt had a deficient SOM 10:42:01

23 program; is that fair to say? 10:42:04

24 A. I don't know that the term 10:42:06

25 "deficient" was used. 10:42:07

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1 Q. Okay. 10:42:08

2 A. But, yes, it was mentioned in 10:42:09

3 the memorandum of agreement. 10:42:10

4 Q. Yeah. 10:42:13

5 That Mallinckrodt's SOM -- the 10:42:14

6 settlement agreement indicated that 10:42:16

7 Mallinckrodt's SOM program did not comport 10:42:19

8 with the DEA guidelines set forth in a couple 10:42:22

9 letters sent by the DEA; is that correct? 10:42:27

10 MR. O'CONNOR: Objection to 10:42:29

11 form. 10:42:29

12 THE WITNESS: I don't remember 10:42:29

13 the specifics of the language. I'm 10:42:30

14 sorry. 10:42:33

15 QUESTIONS BY MR. KO: 10:42:33

16 Q. Okay. That's fine. 10:42:33

17 Was this settlement ever 10:42:34

18 discussed in any performance review that you 10:42:37

19 had recently? 10:42:40

20 A. No. 10:42:40

21 Q. Okay. Was there ever any 10:42:42

22 discussion of you losing your job as a result 10:42:45

23 of the settlement? 10:42:46

24 A. I offered to quit. 10:42:47

25 Q. You offered to quit. 10:42:48

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1 Why was that? 10:42:49

2 A. So that -- so that perhaps if 10:42:50

3 the company chose to bring someone in my 10:42:55

4 place, that I would gladly leave. 10:42:58

5 Q. Okay. And you offered to quit 10:43:01

6 because it was your responsibility during the 10:43:03

7 time of the covered conduct and the time 10:43:06

8 period in the settlement to monitor and 10:43:08

9 revise and design Mallinckrodt's suspicious 10:43:10

10 order monitoring system, correct? 10:43:14

11 MR. O'CONNOR: Object to form. 10:43:15

12 THE WITNESS: Yes. It happened 10:43:15

13 on my watch. 10:43:16

14 QUESTIONS BY MR. KO: 10:43:17

15 Q. By the way, are you aware of 10:43:23

16 any -- of whether or not the company 10:43:23

17 maintained a personnel file for you? 10:43:27

18 A. Yes. 10:43:28

19 Q. Okay. 10:43:31

20 A. Yes. 10:43:31

21 Q. And I take it you had annual 10:43:32

22 reviews? 10:43:37

23 A. Yes. 10:43:37

24 Q. Okay. And did you receive 10:43:38

25 copies of these annual reviews to the extent 10:43:39

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1 they were in writing? 10:43:41

2 A. Yes, I suppose. Yes. 10:43:42

3 Q. Okay. Do you recall collecting 10:43:48

4 them, keeping them, storing them? 10:43:54

5 A. No. 10:43:56

6 Q. Okay. Do you have any 10:43:56

7 documentation that you keep from the company 10:44:02

8 regarding your personnel file in any fashion? 10:44:05

9 A. I do not. 10:44:09

10 Q. Okay. Everything, you believe, 10:44:10

11 is held by the company with respect to your 10:44:12

12 employment history and your personnel file; 10:44:15

13 is that fair to say? 10:44:17

14 A. Yes. 10:44:17

15 Q. Okay. Earlier this morning we 10:44:18

16 were talking about your understanding of 10:44:30

17 Mallinckrodt's SOM program when you joined 10:44:33

18 that -- the CSC group, correct? 10:44:37

19 A. Uh-huh. 10:44:39

20 Q. And by CSC, I'm referring to 10:44:39

21 the controlled substance compliance group. 10:44:41

22 Is that fair to say? 10:44:43

23 A. Yes. 10:44:44

24 Q. Or fair to use for purposes of 10:44:44

25 this deposition today? 10:44:45

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1 A. Yes. 10:44:46

2 Q. Okay. And regarding 10:44:47

3 Mallinckrodt's SOM program, you mentioned the 10:44:49

4 role of national account managers. 10:44:53

5 Do you recall that? 10:44:56

6 A. I do. 10:44:57

7 Q. And also that customer service 10:44:58

8 representatives were involved? 10:45:00

9 A. Yes, that's correct. 10:45:02

10 Q. And I believe you testified 10:45:03

11 that they were necessary because they were 10:45:05

12 your eyes and ears on the ground -- or eyes 10:45:07

13 and ears to your customers and the customers' 10:45:09

14 customers and also the boots on the ground. 10:45:13

15 Is that an accurate -- 10:45:15

16 MR. O'CONNOR: Objection to 10:45:17

17 form. 10:45:17

18 QUESTIONS BY MR. KO: 10:45:18

19 Q. -- statement? 10:45:18

20 A. So they were the eyes and ears 10:45:19

21 to our customers, but I do not necessarily 10:45:21

22 know that they were the eyes and ears to our 10:45:23

23 customers' customers. 10:45:28

24 Q. Got it. 10:45:29

25 So it's accurate to say that 10:45:29

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1 you had NAMs, the national account managers, 10:45:32

2 and the CSRs, the customer service 10:45:34

3 representatives, involved because they were 10:45:36

4 your eyes and ears to your customers, 10:45:37

5 correct? 10:45:40

6 MR. O'CONNOR: Object to form. 10:45:40

7 THE WITNESS: Yes. Yes. Yes. 10:45:40

8 QUESTIONS BY MR. KO: 10:45:41

9 Q. Okay. And you -- is it fair to 10:45:42

10 say that you then relied on these NAMs and 10:45:47

11 CSRs to identify and assist with the 10:45:49

12 detection of suspicious orders? 10:45:53

13 MR. O'CONNOR: Object to form. 10:45:54

14 THE WITNESS: To assist, yes. 10:45:56

15 To bring things to our attention for 10:46:01

16 further investigation, yes. 10:46:03

17 QUESTIONS BY MR. KO: 10:46:05

18 Q. And you said earlier that you 10:46:05

19 had a team, and they were part of it, so they 10:46:06

20 were -- they were part of the team in 10:46:08

21 which -- they were part of the SOM team, 10:46:12

22 correct? 10:46:14

23 MR. O'CONNOR: Object to form. 10:46:15

24 THE WITNESS: They were part of 10:46:15

25 the SOM team at the time that we were 10:46:18

Page 102			Page 104		
1	enhancing the program but not as an	10:46:20	1	for additional investigation.	10:48:17
2	ongoing, current-day member of the	10:46:23	2	QUESTIONS BY MR. KO:	10:48:17
3	team.	10:46:25	3	Q. Okay.	10:48:19
4	QUESTIONS BY MR. KO:	10:46:25	4	A. Not necessarily conclusion	10:48:19
5	Q. Got it.	10:46:27	5	diversion.	10:48:21
6	And when did that occur, that	10:46:27	6	Q. Okay. That's helpful.	10:48:22
7	they were...	10:46:30	7	And with regard to the SOM	10:48:24
8	Well, when you said they were	10:46:31	8	program, the NAMs -- so then it's fair to say	10:48:26
9	part of the SOM team at that time, what time	10:46:39	9	that the NAMs' and the CSRs' job was to alert	10:48:28
10	period are you talking about?	10:46:41	10	you to -- alert you to potential diversion;	10:48:32
11	A. So we went through several	10:46:42	11	is that accurate?	10:48:34
12	projects of enhancing the suspicious order	10:46:50	12	A. Yes, I believe the structure	10:48:35
13	monitoring program, and one of the components	10:46:53	13	for customer service was they would escalate	10:48:36
14	was a customer checklist that each customer	10:46:55	14	to their manager first, who would then, if	10:48:39
15	was to fill out once per year.	10:46:58	15	appropriate, come to the controlled	10:48:41
16	So the NAMs and the customer	10:47:01	16	substances compliance group with that	10:48:43
17	service reps were important contributors to	10:47:04	17	concern.	10:48:44
18	that effort because they knew more about the	10:47:06	18	Q. Okay. So if a -- if an	10:48:45
19	customer side of the house, but as we sit	10:47:10	19	individual who was a national account manager	10:48:48
20	here today, they are not part of the	10:47:13	20	or customer service representative testified	10:48:50
21	suspicious order monitoring team.	10:47:15	21	that she or he was not involved in	10:48:54
22	Q. Got it. Thank you for the	10:47:16	22	identifying suspicious orders, that would not	10:48:57
23	clarification.	10:47:17	23	be accurate, correct?	10:48:59
24	So at some point in time when	10:47:17	24	MR. O'CONNOR: Objection to	10:49:00
25	you were part of the CSC team, the	10:47:24	25	form.	10:49:01
Page 103			Page 105		
1	involvement of the NAMs and the customer	10:47:27	1	THE WITNESS: It would not be	10:49:01
2	service reps in the day-to-day monitoring of	10:47:29	2	accurate.	10:49:08
3	the customers was removed off their plate; is	10:47:34	3	QUESTIONS BY MR. KO:	10:49:15
4	that fair to say?	10:47:38	4	Q. Okay. Now, throughout the time	10:49:15
5	MR. O'CONNOR: Object to form.	10:47:38	5	you were involved with the CSC and in	10:49:18
6	THE WITNESS: So I would have	10:47:41	6	connection with your duties to revise the SOM	10:49:20
7	never called the NAMs a day-to-day	10:47:41	7	program, did you ever consult any third	10:49:25
8	monitoring. The customer service	10:47:44	8	parties or consultants to assist you in	10:49:28
9	reps, yes, as they reviewed orders	10:47:46	9	implementing and maintaining an SOM program?	10:49:33
10	that came in, that has not changed.	10:47:48	10	A. Yes.	10:49:36
11	So I'd like to clarify that point.	10:47:49	11	Q. Okay. And which third parties	10:49:37
12	But when we speak of the	10:47:51	12	or vendors would those be?	10:49:38
13	suspicious order monitoring team, the	10:47:53	13	A. The company is Drug and	10:49:39
14	commercial -- neither the commercial	10:47:56	14	Chemical Advisory Group. I'm not certain if	10:49:47
15	group nor customer service is	10:47:57	15	they still exist, but that was the firm at	10:49:48
16	currently on the team.	10:47:59	16	the time. And that group was made up of	10:49:55
17	QUESTIONS BY MR. KO:	10:48:00	17	former DEA executives.	10:49:58
18	Q. Okay. So when they were part	10:48:00	18	Q. Okay. Including Frank	10:49:59
19	of the team, the NAMs and the CSRs assisted	10:48:02	19	Sapienza?	10:50:02
20	in rooting out potential diversion of	10:48:06	20	A. Sapienza, yes, sir.	10:50:02
21	Mallinckrodt controlled substances; is that	10:48:10	21	Q. Other than the drug and	10:50:04
22	accurate?	10:48:12	22	chemical group, anyone else?	10:50:05
23	MR. O'CONNOR: Objection.	10:48:12	23	A. Yes.	10:50:06
24	THE WITNESS: So they assisted	10:48:13	24	Q. Who or which entities?	10:50:06
25	in bringing things to our attention	10:48:15	25	A. A gentleman, Howard Davis. He	10:50:09

<p style="text-align: right;">Page 106</p> <p>1 was retired DEA diversion program manager. 10:50:13</p> <p>2 Q. Okay. Other than the drug and 10:50:20</p> <p>3 chemical group and Mr. Davis, did you retain 10:50:21</p> <p>4 any other entities to assist in the 10:50:25</p> <p>5 implementation of Mallinckrodt's SOM program? 10:50:28</p> <p>6 A. Is there a specific time frame 10:50:30</p> <p>7 to which you refer? 10:50:34</p> <p>8 Q. During the time period in which 10:50:35</p> <p>9 you were senior manager of the controlled 10:50:37</p> <p>10 substance compliance group. 10:50:40</p> <p>11 A. Yes. 10:50:41</p> <p>12 Q. Okay. And who would -- who 10:50:44</p> <p>13 would that individual be or which entities 10:50:45</p> <p>14 would that be? 10:50:47</p> <p>15 A. So I get -- I get confused 10:50:48</p> <p>16 because we did not retain the consulting 10:50:50</p> <p>17 group for this purpose. They were retained 10:50:55</p> <p>18 through outside counsel, so Mallinckrodt did 10:50:58</p> <p>19 not retain them. 10:51:01</p> <p>20 Q. I see. 10:51:02</p> <p>21 So outside counsel, do you mean 10:51:03</p> <p>22 Ropes & Gray? 10:51:05</p> <p>23 A. Yes. 10:51:05</p> <p>24 Q. Okay. And which third-party 10:51:06</p> <p>25 consultant or vendor are you referring to? 10:51:11</p>	<p style="text-align: right;">Page 108</p> <p>1 QUESTIONS BY MR. KO: 10:52:19</p> <p>2 Q. Okay. Other than the Buzzeo 10:52:19</p> <p>3 group, the drug and chemical group and 10:52:25</p> <p>4 Mr. Howard Davis, do you recall any other 10:52:27</p> <p>5 entities or individuals that Mallinckrodt 10:52:29</p> <p>6 retained for purposes of implementing its SOM 10:52:31</p> <p>7 program at the time you were senior manager? 10:52:34</p> <p>8 A. Yes. 10:52:36</p> <p>9 Q. Okay. Who else? 10:52:37</p> <p>10 A. So there's -- there is a lady 10:52:39</p> <p>11 who was a former employee. Her name is 10:52:41</p> <p>12 Jennifer, but she goes by Jen, Buist, 10:52:45</p> <p>13 B-u-i-s-t. 10:52:51</p> <p>14 Q. And if memory serves me 10:52:51</p> <p>15 correct, Ms. -- or Jennifer was retained 10:52:55</p> <p>16 sometime after 2012. 10:52:58</p> <p>17 Is that consistent with your 10:53:02</p> <p>18 understanding? 10:53:02</p> <p>19 A. Yes. 10:53:02</p> <p>20 Q. Okay. In other words, she 10:53:06</p> <p>21 wasn't retained -- or she wasn't part of the 10:53:08</p> <p>22 SOM team in the 2008 to 2012 time period, was 10:53:10</p> <p>23 she? 10:53:12</p> <p>24 A. No. 10:53:13</p> <p>25 (Mallinckrodt-Harper Exhibit 2 10:53:13</p>
<p style="text-align: right;">Page 107</p> <p>1 A. They've changed names 10:51:12</p> <p>2 throughout the years. It was at one time 10:51:14</p> <p>3 called Buzzeo Consulting. Their named 10:51:16</p> <p>4 changed to IQVIA, Quintiles IMS, and now 10:51:20</p> <p>5 they're known only at IMS. 10:51:27</p> <p>6 Q. And my understanding of IMS 10:51:31</p> <p>7 is -- and IQVIA is that it's a database that 10:51:32</p> <p>8 tracks detailed patient-level information. 10:51:36</p> <p>9 So I just want to make sure I understand what 10:51:39</p> <p>10 you're referring to in terms of their 10:51:41</p> <p>11 retention. 10:51:44</p> <p>12 Is it your testimony that you 10:51:45</p> <p>13 believe that they actually testified as 10:51:47</p> <p>14 consultants for the company, or did you 10:51:51</p> <p>15 simply acquire data from them? 10:51:53</p> <p>16 MR. O'CONNOR: Objection to 10:51:55</p> <p>17 form. 10:51:56</p> <p>18 THE WITNESS: We did not 10:51:56</p> <p>19 acquire data from them. The company 10:51:59</p> <p>20 may have in some respect, but the old 10:52:01</p> <p>21 Buzzeo group became a part of the 10:52:04</p> <p>22 IQVIA IMS organization, so they 10:52:06</p> <p>23 were -- primarily we dealt with 10:52:13</p> <p>24 another gentleman who was a former 10:52:15</p> <p>25 official at DEA. 10:52:18</p>	<p style="text-align: right;">Page 109</p> <p>1 marked for identification.) 10:53:13</p> <p>2 QUESTIONS BY MR. KO: 10:53:13</p> <p>3 Q. Okay. Why don't we turn to a 10:53:13</p> <p>4 new exhibit. This will be marked as Harper 10:53:22</p> <p>5 Exhibit 2. 10:53:26</p> <p>6 And for the record, Harper 10:53:39</p> <p>7 Exhibit 2 is MNK-T1_0000275504. 10:53:41</p> <p>8 And, Ms. Harper, I just want to 10:53:54</p> <p>9 direct you to some pages on this document. 10:53:56</p> <p>10 And we can get to -- well, let's take a step 10:54:04</p> <p>11 back. 10:54:08</p> <p>12 This appears to be an e-mail 10:54:08</p> <p>13 dated February 23, 2009, from you to Eileen 10:54:11</p> <p>14 Spaulding and Mary Lewis; is that correct? 10:54:15</p> <p>15 A. Yes. 10:54:18</p> <p>16 Q. And it's attaching a 10:54:18</p> <p>17 presentation you're making regarding the 10:54:20</p> <p>18 controlled substance compliance group? 10:54:22</p> <p>19 A. Yes. 10:54:24</p> <p>20 Q. Okay. And I have seen a lot of 10:54:24</p> <p>21 these presentations, and I believe that you 10:54:28</p> <p>22 have given some of these presentations, so 10:54:30</p> <p>23 I'm assuming they look familiar to you, but 10:54:33</p> <p>24 does this presentation that you see attached 10:54:35</p> <p>25 to this e-mail -- do you recall this 10:54:36</p>

Page 110		Page 112	
1	particular presentation? 10:54:40	1	want you to confirm that at least as 10:56:19
2	MR. O'CONNOR: Objection to 10:54:41	2	reflected on this deck, the CSC group was 10:56:22
3	form. 10:54:42	3	established in August of 2008, correct? 10:56:27
4	THE WITNESS: Not this one 10:54:42	4	MR. O'CONNOR: Objection to 10:56:29
5	specifically, but as I read it, I'm 10:54:44	5	form. 10:56:31
6	familiar -- I'm refamiliarizing 10:54:46	6	THE WITNESS: Yes. 10:56:32
7	myself. 10:54:49	7	QUESTIONS BY MR. KO: 10:56:32
8	QUESTIONS BY MR. KO: 10:54:49	8	Q. And you were senior manager of 10:56:32
9	Q. Sure. Do you recall giving 10:54:49	9	that group at this time, correct? 10:56:33
10	presentations to other people or groups at 10:54:52	10	A. I was manager. 10:56:34
11	Mallinckrodt regarding the controlled 10:54:55	11	Q. You were manager. Okay. 10:56:40
12	substance compliance roles and 10:54:56	12	And when -- and so at some 10:56:42
13	responsibilities during the 2008 to 2017 time 10:54:58	13	point you became senior manager? 10:56:44
14	period? 10:55:03	14	A. Yes. 10:56:45
15	A. Yes. 10:55:03	15	Q. Okay. And as we discussed 10:56:46
16	Q. Okay. And this was one of 10:55:03	16	earlier, you don't recall exactly when? 10:56:47
17	those presentations? 10:55:06	17	A. No, I'm sorry. 10:56:49
18	A. Yes. 10:55:06	18	Q. Okay. Now, based on this 10:56:51
19	Q. Turning to page 2, which you're 10:55:07	19	document, is it accurate to say that prior to 10:56:56
20	on -- 10:55:13	20	August 2008 there was no such group at 10:56:58
21	A. Okay. 10:55:13	21	Mallinckrodt called the controlled substance 10:57:00
22	Q. -- of the deck, you see that 10:55:14	22	compliance group? Is that correct? 10:57:02
23	the controlled substance compliance group was 10:55:15	23	A. Correct. 10:57:04
24	established in August 2008. 10:55:16	24	Q. Okay. I want to turn to 10:57:04
25	Do you see that? 10:55:18	25	page 11 of this document, of the deck in 10:57:12
Page 111		Page 113	
1	A. I see that. 10:55:18	1	particular. And there is a reference made to 10:57:17
2	Q. Okay. And that the name was 10:55:19	2	the controlled substance compliance team. 10:57:20
3	changed from DEA compliance to the CSC, 10:55:21	3	Do you see that? 10:57:21
4	correct? 10:55:29	4	A. Yes, I do. 10:57:22
5	A. Yes. Yes. 10:55:29	5	Q. And it indicates here that you 10:57:24
6	Q. Okay. And just to help you 10:55:29	6	are the manager, as we just discussed, of 10:57:26
7	along, the portion I was referencing just a 10:55:35	7	controlled substance compliance, correct? 10:57:28
8	moment ago was right there. 10:55:43	8	A. Correct. 10:57:31
9	And so the CSC group of which 10:55:44	9	Q. And this comprises the entire 10:57:31
10	you were senior manager was established in 10:55:47	10	controlled substance compliance team? 10:57:34
11	August 2008, according to this presentation, 10:55:49	11	A. Yes. 10:57:35
12	correct? 10:55:51	12	Q. And it looks like you reported 10:57:37
13	A. Yes, according to the 10:55:52	13	to Ms. JoAnne Levy? 10:57:41
14	presentation. 10:55:54	14	A. Levy, yes, sir. 10:57:43
15	Q. And is that consistent with 10:55:54	15	Q. Levy, thank you. 10:57:44
16	your recollection? 10:55:57	16	And what was her role? 10:57:45
17	A. I'm so uncertain of the years 10:55:58	17	A. She was the vice president of 10:57:47
18	the different events happened. I know this 10:56:01	18	the logistics group. 10:57:50
19	happened. I see that the presentation reads 10:56:03	19	Q. And did she have any day-to-day 10:57:51
20	that way, but if it conflicts with a date 10:56:05	20	involvement with the controlled substance 10:57:54
21	that I previously provided, I apologize. 10:56:08	21	compliance team? 10:57:55
22	Q. Sure. No need to apologize. 10:56:12	22	A. Yes. 10:57:56
23	This isn't necessarily a memory test. 10:56:15	23	Q. Okay. And what did that 10:57:56
24	A. Okay. 10:56:17	24	day-to-day involvement consist of? 10:57:57
25	Q. But I'm just curious -- well, I 10:56:18	25	A. As our vice president, she was 10:57:59

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1 part of the team that enhanced the suspicious 10:58:03
2 order monitoring program. 10:58:09
3 Q. Okay. 10:58:09
4 A. We also deferred to her on 10:58:09
5 certain matters of, pardon me, of quota and 10:58:14
6 other duties related to the DEA compliance 10:58:19
7 group. 10:58:22
8 Q. Okay. Now, with respect to the 10:58:22
9 revisions and implementation of 10:58:30
10 Mallinckrodt's SOM program in particular, is 10:58:31
11 it fair to say that you were the team leader 10:58:36
12 of that particular group? 10:58:38
13 A. No. 10:58:41
14 Q. It's not. 10:58:41
15 You don't believe you were the 10:58:42
16 team leader of -- during -- well, let me take 10:58:43
17 that back. 10:58:47
18 So from the time period of 10:58:47
19 August 2008 to 2012, were you the team leader 10:58:50
20 of Mallinckrodt's SOM program? 10:58:57
21 A. We did not have a designated 10:59:00
22 team leader. 10:59:02
23 Q. Okay. 10:59:03
24 A. And we would have deferred to 10:59:04
25 the most senior official on the team, but we 10:59:06

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1 did not have a designated leader. 10:59:10
2 Q. And when you say "defer to the 10:59:12
3 most senior official," are you referring to 10:59:13
4 Ms. Levy? 10:59:15
5 A. At that time, yes. 10:59:16
6 Q. Okay. There has been -- again, 10:59:18
7 this isn't a memory test. 10:59:21
8 A. Okay. 10:59:23
9 Q. So if your recollection is 10:59:23
10 different, I totally understand. 10:59:25
11 But I have seen reference to 10:59:27
12 documents that suggest that you were the team 10:59:28
13 leader of the SOM program. 10:59:30
14 Do you -- you dispute that? 10:59:32
15 MR. O'CONNOR: Objection to 10:59:33
16 form. 10:59:34
17 THE WITNESS: I don't dispute 10:59:34
18 that. 10:59:36
19 QUESTIONS BY MR. KO: 10:59:36
20 Q. Okay. You don't dispute that. 10:59:36
21 A. I may have been referenced as 10:59:38
22 the team leader, but I didn't -- I was a key 10:59:40
23 contributor, but I didn't perceive myself as 10:59:43
24 the leader. 10:59:46
25 Q. All right. But as we discussed 10:59:46

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1 before, it's highly unlikely that anyone else 10:59:47
2 at Mallinckrodt knew more about 10:59:49
3 Mallinckrodt's SOM program other than you, 10:59:52
4 correct? 10:59:54
5 A. Correct. 10:59:54
6 Q. Okay. And in addition to you 10:59:55
7 having involvement in the SOM program at 11:00:02
8 Mallinckrodt, Ms. Spaulding also played a key 11:00:03
9 role; would you agree with that? 11:00:06
10 MR. O'CONNOR: Objection to 11:00:08
11 form. 11:00:10
12 THE WITNESS: Yes. 11:00:10
13 QUESTIONS BY MR. KO: 11:00:10
14 Q. And she's based out of the 11:00:10
15 Hobart office? 11:00:12
16 A. Yes. 11:00:13
17 Q. And by the way, you were based 11:00:13
18 here in St. Louis, correct? 11:00:16
19 A. Yes. 11:00:17
20 Q. And were you based not in the 11:00:17
21 Hazelwood office but a different office? 11:00:20
22 A. I've had three different 11:00:23
23 offices in the St. Louis area. 11:00:25
24 Q. Okay. During the 2008 to 2012 11:00:26
25 time period, where were you located? 11:00:30

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1 A. I believe I was at Hazelwood. 11:00:32
2 Q. And where was Ms. Levy? 11:00:37
3 A. At Hazelwood. 11:00:42
4 Q. Okay. I want to turn to 11:00:43
5 page 15 of this deck, and here it appears 11:00:45
6 that you are describing some recent 11:00:58
7 developments in the controlled substance 11:01:01
8 compliance group; is that accurate? 11:01:03
9 A. Contributions, yes, sir. 11:01:06
10 Q. Contributions. 11:01:07
11 And one contribution appears to 11:01:07
12 be the implementation of an SOM program? 11:01:09
13 MR. O'CONNOR: Objection to 11:01:14
14 form. 11:01:14
15 THE WITNESS: So it's not 11:01:14
16 qualified here, but we had a program 11:01:18
17 in place, so that would have been an 11:01:20
18 enhancement activity of the SOM 11:01:23
19 program. 11:01:24
20 QUESTIONS BY MR. KO: 11:01:25
21 Q. Okay. And an enhancement 11:01:25
22 activity, in other words, an attempt to 11:01:27
23 revise it and improve the program; is that 11:01:32
24 accurate? 11:01:35
25 A. Yes. Yes. 11:01:35

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1	Q. And when -- here it says, "CSOS	11:01:36	1	they also include -- or did you also review	11:03:24
2	receipt guidance for customers."	11:01:39	2	and read statements regarding Federal	11:03:30
3	What does CSOS refer to?	11:01:40	3	Register Notices of suspicious order	11:03:41
4	A. So the DEA implemented an	11:01:42	4	monitoring activities?	11:03:42
5	electronic 222 format, and some of our	11:01:45	5	MR. O'CONNOR: Objection to	11:03:42
6	customers are narcotic treatment programs.	11:01:51	6	form.	11:03:43
7	They had a lot of questions around how to	11:01:54	7	QUESTIONS BY MR. KO:	11:03:43
8	manage their recordkeeping, so we provided	11:01:57	8	Q. It was a poor question. Let me	11:03:44
9	guidance to those customers.	11:02:01	9	ask it again.	11:03:46
10	Q. Okay. And the 222 form is a	11:02:02	10	When reviewing the Federal	11:03:46
11	form required by the DEA that every	11:02:04	11	Register Notices, did you also see and review	11:03:48
12	registrant fills out when ordering	11:02:05	12	notices that related to SOM activities of	11:03:50
13	prescription -- or controlled substances; is	11:02:07	13	other registrants?	11:03:52
14	that accurate?	11:02:09	14	A. Yes.	11:03:54
15	A. Schedule II.	11:02:09	15	Q. And my presumption is that you	11:03:55
16	Q. Schedule II in particular?	11:02:10	16	paid particularly close attention to some of	11:04:00
17	A. Yes.	11:02:12	17	those notices?	11:04:01
18	Q. Thank you.	11:02:12	18	MR. O'CONNOR: Objection.	11:04:02
19	And here, the next reference is	11:02:12	19	THE WITNESS: One in	11:04:03
20	to what -- the next item down refers to	11:02:16	20	particular, yes.	11:04:03
21	something we had just previously discussed	11:02:20	21	QUESTIONS BY MR. KO:	11:04:04
22	about Federal Register Notices.	11:02:22	22	Q. Would that be the Southwood --	11:04:04
23	Do you see that?	11:02:24	23	A. Yes.	11:04:04
24	A. Yes.	11:02:24	24	Q. -- notice?	11:04:06
25	Q. And so you are informing	11:02:25	25	Okay. Do you recall when you	11:04:06
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1	whoever's at this presentation that one	11:02:27	1	reviewed that one?	11:04:07
2	contribution of the CSC group is to watch	11:02:30	2	A. When DEA called it out in one	11:04:09
3	Federal Register Notices that come out that	11:02:39	3	of their guidance letters as being	11:04:12
4	are relevant for Mallinckrodt, correct?	11:02:41	4	instructive, that is what we went to	11:04:14
5	A. Correct.	11:02:41	5	immediately and reviewed.	11:04:16
6	Q. And the Federal Register	11:02:42	6	Q. Okay. And you recall this was	11:04:17
7	Notices, what was your understanding of	11:02:44	7	generally in the 2007 or early 2008 time	11:04:19
8	generally what those consisted of?	11:02:46	8	period?	11:04:23
9	Actually, take that back.	11:02:48	9	A. It was 2006, 2007, approximate,	11:04:24
10	Is it -- a Federal Register	11:02:49	10	but I don't remember the dates.	11:04:26
11	Notice -- with respect to the Federal	11:02:54	11	Q. Okay. With respect to	11:04:27
12	Register Notices that you paid particularly	11:02:57	12	participate in RiskMAP program, an FDA	11:04:33
13	close attention to, those were notices that	11:02:58	13	initiative, can you describe to the Court	11:04:38
14	interpreted certain DEA statutes; is that	11:03:02	14	what the RiskMAP program was?	11:04:41
15	fair to say?	11:03:05	15	A. I don't remember the definition	11:04:45
16	MR. O'CONNOR: Objection to	11:03:05	16	of the acronym, but it pertained -- it was an	11:04:47
17	form.	11:03:05	17	FDA program where certain drug substances	11:04:53
18	THE WITNESS: I would not call	11:03:06	18	were monitored forward through the supply	11:04:56
19	them interpretations. They were	11:03:08	19	chain.	11:04:59
20	statements of quota, the US aggregate	11:03:11	20	Q. Okay. And when you say	11:05:00
21	quota, notices of proposed rulemaking,	11:03:16	21	"forward," do you mean after they left the	11:05:02
22	who had applied to become a new	11:03:19	22	warehouses of the manufacturer facility?	11:05:09
23	registrant, things like that.	11:03:20	23	A. Yes.	11:05:12
24	QUESTIONS BY MR. KO:	11:03:22	24	Q. Okay. So would it be fair to	11:05:13
25	Q. Okay. And the statements, did	11:03:22	25	say that another way of saying -- well,	11:05:16

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1	strike that.	11:05:24	1	manufacturers -- there were two or	11:06:53
2	Now, there's also a reference	11:05:24	2	three others -- and have a	11:06:54
3	made to working with the DEA on methadone.	11:05:29	3	collaborative discussion with them in	11:06:57
4	Do you see that?	11:05:35	4	terms of how the 40-milligram	11:06:58
5	A. Yes.	11:05:36	5	methadone specifically was being	11:07:02
6	Q. And Mallinckrodt manufactures a	11:05:36	6	distributed at pharmacies, and the	11:07:07
7	large amount of generic methadone as well,	11:05:38	7	data that they were seeing related to	11:07:10
8	correct?	11:05:41	8	the mortality that they were	11:07:12
9	MR. O'CONNOR: Objection to	11:05:41	9	associating with those distributions.	11:07:13
10	form.	11:05:42	10	QUESTIONS BY MR. KO:	11:07:15
11	THE WITNESS: We manufacture	11:05:42	11	Q. And when you say "mortality,"	11:07:15
12	methadone, and I don't again have -- I	11:05:44	12	you're saying that there were a large amount	11:07:18
13	don't know if we're the largest, or	11:05:45	13	of -- or there were people that were	11:07:19
14	large, but, yes, we manufacture it.	11:05:46	14	overdosing on methadone at the time that you	11:07:21
15	QUESTIONS BY MR. KO:	11:05:47	15	met with DEA, correct?	11:07:25
16	Q. Okay. And despite not knowing	11:05:48	16	MR. O'CONNOR: Objection to	11:07:27
17	whether or not you are the largest, or large,	11:05:52	17	form.	11:07:27
18	you do understand that Mallinckrodt has for	11:05:55	18	THE WITNESS: Yes, but may I	11:07:28
19	quite some time manufactured generic	11:05:58	19	please add that that was because there	11:07:29
20	methadone, correct?	11:05:59	20	were physicians that were writing them	11:07:33
21	A. Yes.	11:06:00	21	for purposes other than which they	11:07:34
22	Q. Okay. And since at least the	11:06:01	22	were FDA-approved.	11:07:38
23	mid-'90s, if not prior to that?	11:06:02	23	QUESTIONS BY MR. KO:	11:07:39
24	A. I don't recall the year because	11:06:06	24	Q. Okay. And that's based on your	11:07:40
25	previously it was manufactured by an external	11:06:09	25	understanding what the DEA was telling you,	11:07:42
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1	party and shipped to Mallinckrodt for	11:06:11	1	correct? Or do you actually have personal	11:07:44
2	distribution, so I don't know when we brought	11:06:13	2	knowledge?	11:07:46
3	the manufacturing in-house.	11:06:15	3	A. I do not have any personal	11:07:46
4	Q. Sure.	11:06:17	4	knowledge.	11:07:47
5	A. Of the methadone, 40	11:06:17	5	Q. So it was based on what the DEA	11:07:47
6	milligrams, that is.	11:06:19	6	was telling you?	11:07:49
7	Q. And thank you for that	11:06:20	7	A. Yes.	11:07:50
8	clarification.	11:06:21	8	Q. And do you recall when --	11:07:50
9	Mallinckrodt manufactured	11:06:21	9	approximately when that meeting in	11:07:51
10	various different strengths of methadone,	11:06:22	10	Washington, DC, was?	11:07:53
11	correct?	11:06:25	11	A. I don't recall the date.	11:07:54
12	A. Yes.	11:06:25	12	Q. Was it before 2008?	11:07:57
13	Q. I believe in 5, 10 and	11:06:27	13	A. I'm sorry, I don't recall the	11:08:00
14	40-milligram dosages, among other quantities?	11:06:30	14	date.	11:08:01
15	A. Yes.	11:06:33	15	Q. Fair enough.	11:08:02
16	Q. Okay. And at a certain point	11:06:33	16	And going back to the RiskMAP	11:08:02
17	in time, the DEA alerted you and the CSC	11:06:35	17	and trying to understand, as you described,	11:08:09
18	group of methadone abuse and diversion,	11:06:39	18	the path of a drug that a manufacturer	11:08:12
19	correct?	11:06:41	19	produced, forward, as you said, do you recall	11:08:20
20	MR. O'CONNOR: Objection to	11:06:42	20	at a certain point in time creating a RiskMAP	11:08:25
21	form.	11:06:45	21	for oxycodone 30?	11:08:31
22	THE WITNESS: They called it	11:06:45	22	A. I do not.	11:08:32
23	the methadone mortality working group.	11:06:46	23	Q. Okay. You don't recall any	11:08:34
24	DEA asked us to come to Washington,	11:06:48	24	involvement in a RiskMAP for oxy 30s or 15s?	11:08:36
25	DC, along with other major	11:06:51	25	A. We may have been asked to	11:08:39

<p style="text-align: right;">Page 126</p> <p>1 report in to the -- it was called the patient 11:08:41</p> <p>2 and product monitoring group. It was 11:08:44</p> <p>3 specific to fentanyl in the beginning, but I 11:08:50</p> <p>4 don't -- I don't know to which other products 11:08:53</p> <p>5 it may have expanded, but we did annual 11:08:55</p> <p>6 reporting to that group. 11:08:57</p> <p>7 Q. Sure. Okay. 11:08:58</p> <p>8 You didn't have any specific 11:09:00</p> <p>9 responsibility with respect to that RiskMAP 11:09:02</p> <p>10 report that you may have done for the FDA, 11:09:05</p> <p>11 correct? 11:09:08</p> <p>12 A. So we had responsibility for 11:09:08</p> <p>13 reporting any thefts or losses of these 11:09:11</p> <p>14 specific drugs, but it was an internal 11:09:13</p> <p>15 reporting to the patient and product 11:09:16</p> <p>16 monitoring group who assembled a whole large 11:09:17</p> <p>17 report consisting of other information for 11:09:21</p> <p>18 the FDA. 11:09:24</p> <p>19 Q. Okay. I understand. 11:09:25</p> <p>20 And did you have any -- a 11:09:26</p> <p>21 specific involvement with that? 11:09:29</p> <p>22 A. Only to the extent if we -- 11:09:30</p> <p>23 they contacted us once a year and asked if we 11:09:32</p> <p>24 had any recorded thefts or losses, DEA 106 11:09:35</p> <p>25 forms, for those drug products. 11:09:41</p>	<p style="text-align: right;">Page 128</p> <p>1 Now, in addition to an actual 11:10:48</p> <p>2 cost, a business and corporate cost, would 11:10:52</p> <p>3 you agree with me that the cost of 11:10:54</p> <p>4 noncompliance is actually overdose deaths? 11:10:55</p> <p>5 MR. O'CONNOR: Objection to 11:11:00</p> <p>6 form. 11:11:01</p> <p>7 QUESTIONS BY MR. KO: 11:11:02</p> <p>8 Q. In other words, there's a human 11:11:02</p> <p>9 cost of noncompliance, is there not? 11:11:04</p> <p>10 MR. O'CONNOR: Objection to 11:11:06</p> <p>11 form. 11:11:06</p> <p>12 THE WITNESS: There is a human 11:11:07</p> <p>13 cost based upon the diversion of 11:11:10</p> <p>14 prescription opioids, yes. 11:11:14</p> <p>15 QUESTIONS BY MR. KO: 11:11:16</p> <p>16 Q. And that human cost is 11:11:16</p> <p>17 manifested in either mortality or morbidity 11:11:17</p> <p>18 in the form of more people addicted to 11:11:21</p> <p>19 opioids. Would you agree with me on that? 11:11:24</p> <p>20 MR. O'CONNOR: Objection to 11:11:25</p> <p>21 form. 11:11:26</p> <p>22 THE WITNESS: Correct. Yes. 11:11:26</p> <p>23 Sorry. 11:11:27</p> <p>24 QUESTIONS BY MR. KO: 11:11:27</p> <p>25 Q. So in addition to the costs of 11:11:28</p>
<p style="text-align: right;">Page 127</p> <p>1 Q. Okay. If you turn to page 18 11:09:42</p> <p>2 of this deck, and there's a reference made to 11:09:52</p> <p>3 the cost of noncompliance. 11:10:02</p> <p>4 Do you see that? 11:10:03</p> <p>5 A. I do see it. 11:10:04</p> <p>6 Q. And by the way, do you have any 11:10:05</p> <p>7 reason to doubt that this was a presentation 11:10:07</p> <p>8 you made, or do you think that someone else 11:10:08</p> <p>9 made this presentation? 11:10:11</p> <p>10 A. I have no reason to doubt I -- 11:10:12</p> <p>11 I did make the presentation. 11:10:14</p> <p>12 Q. You did make this presentation? 11:10:15</p> <p>13 A. Yeah. 11:10:16</p> <p>14 Q. Okay. So here you're 11:10:16</p> <p>15 describing the cost of noncompliance, and in 11:10:18</p> <p>16 particular the cost of noncompliance with the 11:10:22</p> <p>17 CSA; is that fair to say? 11:10:24</p> <p>18 A. Yes. 11:10:25</p> <p>19 Q. Okay. And you are talking 11:10:25</p> <p>20 about, I think, other fines paid by other 11:10:27</p> <p>21 pharmacies and other entities and registrants 11:10:32</p> <p>22 of the CSA, correct? 11:10:36</p> <p>23 A. Well, this one is specific to a 11:10:37</p> <p>24 fine paid by Rite Aid and its subsidiaries. 11:10:41</p> <p>25 Q. Right. 11:10:47</p>	<p style="text-align: right;">Page 129</p> <p>1 noncompliance here that you list, a real and 11:11:30</p> <p>2 tangible cost of noncompliance is -- are the 11:11:35</p> <p>3 amount of lives affected by the abuse and 11:11:38</p> <p>4 diversion of prescription opioids, correct? 11:11:41</p> <p>5 MR. O'CONNOR: Objection to 11:11:42</p> <p>6 form. 11:11:44</p> <p>7 THE WITNESS: I agree, yes. 11:11:44</p> <p>8 QUESTIONS BY MR. KO: 11:11:45</p> <p>9 Q. Okay. And as we discussed 11:11:45</p> <p>10 before, many, if not all, of the complaints 11:11:49</p> <p>11 that have been filed against various entities 11:11:55</p> <p>12 involved in the supply chain of prescription 11:11:59</p> <p>13 opioids allege that state and local 11:12:01</p> <p>14 governments have had to incur the burden of 11:12:09</p> <p>15 responding to the overdose rates and 11:12:12</p> <p>16 morbidity rates that have been caused as a 11:12:16</p> <p>17 result of the opioid crisis? 11:12:19</p> <p>18 MR. O'CONNOR: Objection to 11:12:23</p> <p>19 form. 11:12:24</p> <p>20 THE WITNESS: Yes, that is the 11:12:24</p> <p>21 information that has been reported, 11:12:25</p> <p>22 yes. 11:12:26</p> <p>23 QUESTIONS BY MR. KO: 11:12:26</p> <p>24 Q. Okay. And that is -- in 11:12:26</p> <p>25 addition to the information that has been 11:12:27</p>

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<p>1 reported, is that consistent with your 11:12:29</p> <p>2 understanding? Do you believe that to be the 11:12:31</p> <p>3 case? 11:12:32</p> <p>4 MR. O'CONNOR: Objection to 11:12:32</p> <p>5 form. 11:12:33</p> <p>6 THE WITNESS: I don't have 11:12:33</p> <p>7 firsthand knowledge of the costs, but 11:12:36</p> <p>8 I have no reason to doubt that 11:12:39</p> <p>9 reporting. 11:12:40</p> <p>10 QUESTIONS BY MR. KO: 11:12:41</p> <p>11 Q. Okay. By the way, do you 11:12:46</p> <p>12 know -- do you personally know anyone 11:12:47</p> <p>13 impacted by the opioid crisis? 11:12:49</p> <p>14 A. I do not. 11:12:52</p> <p>15 Q. You're lucky. 11:12:54</p> <p>16 A. I know. I know that. 11:12:55</p> <p>17 (Mallinckrodt-Harper Exhibit 3 11:13:05</p> <p>18 marked for identification.) 11:13:05</p> <p>19 QUESTIONS BY MR. KO: 11:12:57</p> <p>20 Q. I want to turn to the next 11:12:57</p> <p>21 exhibit, which will be marked as Harper 11:13:03</p> <p>22 Exhibit 3. 11:13:05</p> <p>23 For the record, this is ending 11:13:11</p> <p>24 in Bates stamp 283074. 11:13:13</p> <p>25 And it is an e-mail dated 11:13:24</p>	<p>1 presentation, but the e-mail indicates it was 11:14:20</p> <p>2 provided to Michael Santowski for training of 11:14:24</p> <p>3 the executive committee. So that was a level 11:14:28</p> <p>4 I didn't -- that was senior executives within 11:14:31</p> <p>5 the organization. 11:14:32</p> <p>6 Q. I see. That's very helpful. 11:14:33</p> <p>7 So you didn't actual present 11:14:35</p> <p>8 this deck to the executive committee? 11:14:37</p> <p>9 A. I have a number of slides that 11:14:38</p> <p>10 I pull in and out of presentations as 11:14:42</p> <p>11 appropriate for the audience. So I'm certain 11:14:44</p> <p>12 I presented variations of these slides to 11:14:47</p> <p>13 different audiences, but I did not present 11:14:50</p> <p>14 this deck to the executive committee. 11:14:52</p> <p>15 Q. Okay. That's helpful. 11:14:55</p> <p>16 But you created the deck for 11:14:56</p> <p>17 Mr. Santowski, if I understand correctly? 11:14:58</p> <p>18 A. Yes. 11:15:00</p> <p>19 Q. Okay. I want to turn to page 4 11:15:01</p> <p>20 of this deck. And here we have some of the 11:15:07</p> <p>21 regulations that interpret the CSA. 11:15:19</p> <p>22 Do you see that? 11:15:21</p> <p>23 A. I think that's verbatim, but, 11:15:22</p> <p>24 yes, yes. Not an interpretation, but the 11:15:29</p> <p>25 statements in the Code of Federal 11:15:32</p>
Page 131	Page 133
<p>1 April 12, 2011, from you to Michael 11:13:26</p> <p>2 Santowski. 11:13:31</p> <p>3 Who is Michael Santowski? 11:13:32</p> <p>4 A. He was the gentleman to whom I 11:13:35</p> <p>5 reported at the time. 11:13:38</p> <p>6 Q. Okay. And he was -- was he 11:13:38</p> <p>7 part of the controlled substance compliance 11:13:42</p> <p>8 team? 11:13:43</p> <p>9 A. We reported to him, so he had 11:13:44</p> <p>10 oversight for several groups, including ours, 11:13:49</p> <p>11 yes. 11:13:52</p> <p>12 Q. I see. 11:13:52</p> <p>13 And now it appears that you've 11:13:53</p> <p>14 become the senior manager of the controlled 11:13:54</p> <p>15 substance compliance group. 11:13:56</p> <p>16 Do you see that? 11:13:57</p> <p>17 A. Yes. 11:13:57</p> <p>18 Q. So at least as of April 12, 11:13:58</p> <p>19 2011, you were the senior manager of the CSC? 11:14:00</p> <p>20 A. I agree. 11:14:04</p> <p>21 Q. Okay. And this is another 11:14:05</p> <p>22 presentation you made regarding the SOM 11:14:08</p> <p>23 program at Mallinckrodt. 11:14:12</p> <p>24 Do you see that? 11:14:13</p> <p>25 A. So clearly I created the 11:14:14</p>	<p>1 Regulations. 11:15:35</p> <p>2 Q. Okay. Great. Thank you for 11:15:35</p> <p>3 that clarification. 11:15:36</p> <p>4 So these are statements that 11:15:37</p> <p>5 actually appear in the regulations as 11:15:39</p> <p>6 codified by 21 CFR 1301.74, correct? 11:15:42</p> <p>7 MR. O'CONNOR: Objection to 11:15:47</p> <p>8 form. 11:15:47</p> <p>9 THE WITNESS: Yes. 11:15:47</p> <p>10 QUESTIONS BY MR. KO: 11:15:48</p> <p>11 Q. Okay. And we have previously 11:15:48</p> <p>12 discussed Mallinckrodt's responsibilities 11:15:51</p> <p>13 with respect to suspicious orders, but I just 11:15:53</p> <p>14 want to make sure. 11:15:56</p> <p>15 You would agree that all the 11:15:57</p> <p>16 responsibilities and requirements set forth 11:16:00</p> <p>17 here are responsibilities that Mallinckrodt 11:16:02</p> <p>18 had, correct? 11:16:04</p> <p>19 MR. O'CONNOR: Objection to 11:16:06</p> <p>20 form. 11:16:07</p> <p>21 THE WITNESS: Yes, correct. 11:16:07</p> <p>22 QUESTIONS BY MR. KO: 11:16:08</p> <p>23 Q. Okay. And that includes a duty 11:16:08</p> <p>24 to design and operate a suspicious order 11:16:11</p> <p>25 identification system. 11:16:15</p>

<p style="text-align: right;">Page 134</p> <p>1 Mallinckrodt had that duty, 11:16:17</p> <p>2 correct? 11:16:18</p> <p>3 A. Yes. 11:16:18</p> <p>4 Q. And Mallinckrodt had a duty to 11:16:18</p> <p>5 require -- or Mallinckrodt had a duty to 11:16:24</p> <p>6 report suspicious orders to the DEA when 11:16:26</p> <p>7 discovered via a monitoring process, correct? 11:16:28</p> <p>8 A. Yes. 11:16:31</p> <p>9 Q. And Mallinckrodt had a duty 11:16:31</p> <p>10 to -- had a duty to ensure that this 11:16:34</p> <p>11 responsibility to report suspicious orders 11:16:38</p> <p>12 did not end merely with filing a suspicious 11:16:39</p> <p>13 order report; is that correct? 11:16:43</p> <p>14 MR. O'CONNOR: Objection to 11:16:44</p> <p>15 form. 11:16:45</p> <p>16 THE WITNESS: So the statement 11:16:45</p> <p>17 is correct, but I -- I must -- I would 11:16:46</p> <p>18 like to clarify. 11:16:49</p> <p>19 All these are not straight from 11:16:50</p> <p>20 CFR 21. Some of the statements, I 11:16:53</p> <p>21 believe, particularly the italicized 11:16:55</p> <p>22 one at the bottom, may have been 11:16:58</p> <p>23 culled from a DEA -- one of the DEA 11:17:01</p> <p>24 guidance letters. 11:17:04</p> <p>25</p>	<p style="text-align: right;">Page 136</p> <p>1 have any recollection? 11:17:48</p> <p>2 MR. O'CONNOR: Objection to 11:17:48</p> <p>3 form. 11:17:49</p> <p>4 THE WITNESS: I'm fairly 11:17:49</p> <p>5 certain that that was in one of the 11:17:51</p> <p>6 guidance letters from DEA circa 2006, 11:17:56</p> <p>7 2007. 11:17:59</p> <p>8 QUESTIONS BY MR. KO: 11:18:00</p> <p>9 Q. Okay. And then finally, this 11:18:00</p> <p>10 last bullet indicates that -- or you would 11:18:04</p> <p>11 agree with me that Mallinckrodt had a duty to 11:18:08</p> <p>12 conduct an independent analysis of suspicious 11:18:10</p> <p>13 orders prior to completing a sale to 11:18:13</p> <p>14 determine whether or not the controlled 11:18:14</p> <p>15 substances are likely to be diverted. 11:18:17</p> <p>16 MR. O'CONNOR: Objection to 11:18:19</p> <p>17 form. 11:18:19</p> <p>18 QUESTIONS BY MR. KO: 11:18:19</p> <p>19 Q. Is that accurate? 11:18:19</p> <p>20 A. Yes. 11:18:20</p> <p>21 Q. Okay. Now, turning to the next 11:18:21</p> <p>22 page, here you put in this presentation the 11:18:30</p> <p>23 number of people -- the number of registrants 11:18:36</p> <p>24 there are in the supply chain -- or the 11:18:39</p> <p>25 number of registrants that are part of the 11:18:43</p>
<p style="text-align: right;">Page 135</p> <p>1 QUESTIONS BY MR. KO: 11:17:04</p> <p>2 Q. Okay. But regardless of where 11:17:05</p> <p>3 it came from, at least at the time of this 11:17:08</p> <p>4 presentation, you believe that Mallinckrodt 11:17:10</p> <p>5 had a duty to ensure that their suspicious 11:17:12</p> <p>6 order responsibilities did not end merely 11:17:17</p> <p>7 with the filing of a suspicious order report; 11:17:18</p> <p>8 is that correct? 11:17:21</p> <p>9 MR. O'CONNOR: Objection to 11:17:21</p> <p>10 form. 11:17:22</p> <p>11 THE WITNESS: Correct. 11:17:22</p> <p>12 Correct. 11:17:22</p> <p>13 QUESTIONS BY MR. KO: 11:17:23</p> <p>14 Q. And Mallinckrodt also -- you 11:17:23</p> <p>15 also understand that Mallinckrodt was not 11:17:26</p> <p>16 going to get any specific guidance from the 11:17:30</p> <p>17 DEA at this time on whether or not their 11:17:33</p> <p>18 particular SOM program would be endorsed -- 11:17:37</p> <p>19 MR. O'CONNOR: Objection to 11:17:40</p> <p>20 form. 11:17:41</p> <p>21 QUESTIONS BY MR. KO: 11:17:41</p> <p>22 Q. -- is that accurate? 11:17:41</p> <p>23 A. That's accurate. 11:17:42</p> <p>24 Q. Okay. And when did you 11:17:43</p> <p>25 understand DEA to tell you that first; do you 11:17:45</p>	<p style="text-align: right;">Page 137</p> <p>1 CSA; is that correct? 11:18:44</p> <p>2 A. As of that time, yes. 11:18:45</p> <p>3 Q. Right, as of that time. 11:18:48</p> <p>4 A. Yes. 11:18:49</p> <p>5 Q. And there's a specific quote 11:18:49</p> <p>6 that you include in this presentation that 11:18:51</p> <p>7 says that "the DEA must rely on the states 11:18:53</p> <p>8 and individual registrants to monitor." 11:18:56</p> <p>9 Do you see that? 11:18:58</p> <p>10 A. I do see that. 11:18:58</p> <p>11 Q. And the "individual 11:18:59</p> <p>12 registrants" obviously refers to entities 11:19:00</p> <p>13 like Mallinckrodt? 11:19:03</p> <p>14 A. Correct. 11:19:04</p> <p>15 Q. And so at least as of this 11:19:05</p> <p>16 time, the date of this deck, you understood 11:19:07</p> <p>17 that the DEA was not going to give you 11:19:10</p> <p>18 specific guidance but was going to rely on 11:19:11</p> <p>19 registrants like Mallinckrodt to monitor 11:19:16</p> <p>20 their controlled substances, correct? 11:19:18</p> <p>21 MR. O'CONNOR: Objection to 11:19:19</p> <p>22 form. 11:19:20</p> <p>23 THE WITNESS: Correct. 11:19:20</p> <p>24 QUESTIONS BY MR. KO: 11:19:21</p> <p>25 Q. Okay. Now, I want to turn to 11:19:21</p>

<p style="text-align: right;">Page 138</p> <p>1 page 7 of this particular report, and there's 11:19:29</p> <p>2 a reference made to Florida. And I know we 11:19:36</p> <p>3 had spoken a little bit about problems in 11:19:39</p> <p>4 Florida a moment ago, but on page 7 -- give 11:19:43</p> <p>5 you a moment to get there. 11:19:49</p> <p>6 A. I'm sorry, the front and back 11:19:50</p> <p>7 is mixing me up. 11:19:52</p> <p>8 Q. Yeah. 11:19:53</p> <p>9 A. Okay. Thank you. I am at 11:19:53</p> <p>10 page 7. 11:19:55</p> <p>11 Q. Sure. 11:19:56</p> <p>12 Page 7 gives some color to what 11:19:56</p> <p>13 we were previously discussing about the 11:19:59</p> <p>14 problem in Florida, and here you describe 11:20:01</p> <p>15 that most, if not almost all, 98 percent, of 11:20:04</p> <p>16 all doctors dispensing oxycodone nationally 11:20:09</p> <p>17 are in Florida. 11:20:12</p> <p>18 Do you see that? 11:20:12</p> <p>19 A. I do. 11:20:13</p> <p>20 Q. So you were aware at the time 11:20:13</p> <p>21 of this presentation that there was a -- 11:20:16</p> <p>22 almost all of the -- or the top doctors 11:20:20</p> <p>23 dispensing oxycodone were in Florida, 11:20:23</p> <p>24 correct? 11:20:25</p> <p>25 MR. O'CONNOR: Objection to 11:20:26</p>	<p style="text-align: right;">Page 140</p> <p>1 MR. O'CONNOR: Objection to 11:21:09</p> <p>2 form. 11:21:09</p> <p>3 THE WITNESS: So there are 11:21:09</p> <p>4 other manufacturers of oxycodone -- 11:21:13</p> <p>5 QUESTIONS BY MR. KO: 11:21:14</p> <p>6 Q. I understand that. 11:21:14</p> <p>7 A. -- and this is not specific to 11:21:15</p> <p>8 Mallinckrodt oxycodone. 11:21:16</p> <p>9 Q. Okay. But Mallinckrodt 11:21:18</p> <p>10 manufactured oxy 15s and 30s in large 11:21:19</p> <p>11 amounts, correct? 11:21:22</p> <p>12 A. Mallinckrodt manufactured oxy 11:21:23</p> <p>13 15s and 30s, and again, "large" is -- I don't 11:21:25</p> <p>14 have enough reference information relative to 11:21:28</p> <p>15 the other manufacturers' production to answer 11:21:31</p> <p>16 the question. 11:21:35</p> <p>17 Q. Well, let's talk about that 11:21:36</p> <p>18 then. The next -- the previous page, 11:21:40</p> <p>19 actually, page 6, there's a description of 11:21:42</p> <p>20 oxycodone market share of Mallinckrodt 11:21:45</p> <p>21 relative to the rest of your competitors. 11:21:47</p> <p>22 Do you see that? 11:21:50</p> <p>23 A. I do see it. 11:21:51</p> <p>24 Q. So at least as of Q4 of 2010, 11:21:53</p> <p>25 it appears that Mallinckrodt has a 52 percent 11:21:59</p>
<p style="text-align: right;">Page 139</p> <p>1 form. 11:20:27</p> <p>2 THE WITNESS: Yes. Accepting 11:20:27</p> <p>3 as factual this data published by the 11:20:32</p> <p>4 Florida governor's office, yes. 11:20:35</p> <p>5 QUESTIONS BY MR. KO: 11:20:38</p> <p>6 Q. Right. And you had 11:20:38</p> <p>7 knowledge -- or you understood there to be a 11:20:39</p> <p>8 big problem in Florida at this time -- 11:20:41</p> <p>9 MR. O'CONNOR: Objection to 11:20:43</p> <p>10 form. 11:20:43</p> <p>11 QUESTIONS BY MR. KO: 11:20:43</p> <p>12 Q. -- with respect to prescription 11:20:43</p> <p>13 opioids manufactured by Mallinckrodt, 11:20:45</p> <p>14 correct? 11:20:46</p> <p>15 MR. O'CONNOR: Same objection. 11:20:46</p> <p>16 THE WITNESS: A problem, yes. 11:20:47</p> <p>17 The -- sorry. The adjective "big," 11:20:50</p> <p>18 again, is a relative term, but, yes, a 11:20:53</p> <p>19 problem in Florida. 11:20:56</p> <p>20 QUESTIONS BY MR. KO: 11:20:57</p> <p>21 Q. Okay. And in fact, there was 11:20:57</p> <p>22 substantially more oxycodone manufactured by 11:20:59</p> <p>23 Mallinckrodt that was being dispensed in 11:21:03</p> <p>24 Florida than all the other remaining states 11:21:05</p> <p>25 combined according to this deck, correct? 11:21:07</p>	<p style="text-align: right;">Page 141</p> <p>1 share of oxycodone in the nation; is that 11:22:02</p> <p>2 accurate? 11:22:08</p> <p>3 MR. O'CONNOR: Object to form. 11:22:08</p> <p>4 THE WITNESS: Yes. 11:22:09</p> <p>5 QUESTIONS BY MR. KO: 11:22:11</p> <p>6 Q. Okay. And then that rose 11:22:12</p> <p>7 slightly in Q1 of 2011 -- fiscal year 2011 to 11:22:16</p> <p>8 56 percent. 11:22:19</p> <p>9 Do you see that? 11:22:20</p> <p>10 A. Yes, I do see that statistic, 11:22:23</p> <p>11 yes. 11:22:26</p> <p>12 Q. All right. And so there -- and 11:22:26</p> <p>13 none of Mallinckrodt's competitors are 11:22:27</p> <p>14 anywhere close to Mallinckrodt's market share 11:22:29</p> <p>15 based on this table, correct? 11:22:32</p> <p>16 A. Correct. 11:22:33</p> <p>17 Q. And in fact, as we just 11:22:35</p> <p>18 previously described and went over, the total 11:22:37</p> <p>19 percentage of Mallinckrodt's competitors is 11:22:41</p> <p>20 less than Mallinckrodt's own share of the 11:22:44</p> <p>21 market of oxycodone, correct? 11:22:47</p> <p>22 MR. O'CONNOR: Objection to 11:22:50</p> <p>23 form. 11:22:51</p> <p>24 THE WITNESS: Yes. As I sit 11:22:51</p> <p>25 here and perform quick math, yes. 11:22:53</p>

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1 Yes. 11:22:55

2 QUESTIONS BY MR. KO: 11:22:56

3 Q. Okay. Now, based, I believe -- 11:22:56

4 if you turn to page 14 of this deck now, 11:23:05

5 going forward. 11:23:08

6 And there's reference made to a 11:23:20

7 conversation that Mallinckrodt had with the 11:23:22

8 DEA on July 20, 2010. 11:23:25

9 Do you see that? 11:23:28

10 A. I do. 11:23:29

11 Q. And do you recall that 11:23:29

12 conversation? 11:23:32

13 A. I do. 11:23:32

14 Q. And you participated in it? 11:23:33

15 A. Yes. 11:23:35

16 Q. Okay. And we'll get to that in 11:23:35

17 a moment -- 11:23:36

18 A. All right. 11:23:37

19 Q. -- but I just want to talk 11:23:37

20 about some of the things that you've put in 11:23:40

21 this presentation, including the fact that 11:23:42

22 Mallinckrodt is viewed as the kingpin within 11:23:44

23 the drug cartel. 11:23:47

24 Do you see that reference? 11:23:48

25 A. I do. 11:23:50

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1 Q. And that was something that the 11:23:50

2 DEA had indicated to you? 11:23:52

3 A. Yes. 11:23:53

4 Q. Okay. And my presumption is 11:23:55

5 that they expressed that view because 11:23:57

6 Mallinckrodt had the majority of the market 11:23:59

7 share of oxycodone? 11:24:02

8 MR. O'CONNOR: Objection to 11:24:03

9 form. 11:24:03

10 THE WITNESS: I know the view 11:24:03

11 was expressed, but I don't know what 11:24:05

12 the basis was because this is talking 11:24:07

13 about Harvard Drug distributor. 11:24:09

14 QUESTIONS BY MR. KO: 11:24:12

15 Q. Okay. So you -- regardless, 11:24:12

16 you recall during this DEA meeting in July 11:24:16

17 of 2010 that DEA had expressed the view that 11:24:20

18 Mallinckrodt was viewed as the kingpin within 11:24:22

19 the drug cartel? 11:24:24

20 A. I do. 11:24:25

21 Q. Okay. And we had discussed a 11:24:26

22 little time ago that -- about Mallinckrodt's 11:24:31

23 duties to know their customers' customers, 11:24:34

24 and here you indicate that at least as of the 11:24:36

25 date of this meeting, you understood that DEA 11:24:38

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1 expected Mallinckrodt to understand and know 11:24:43

2 their customer's customer; is that correct? 11:24:47

3 MR. O'CONNOR: Objection to 11:24:51

4 form. 11:24:51

5 THE WITNESS: Yes, that's per 11:24:51

6 DEA St. Louis, yes. 11:24:53

7 QUESTIONS BY MR. KO: 11:24:54

8 Q. Okay. So as of July 20th -- no 11:24:54

9 later than July 20, 2010, you understood that 11:24:56

10 Mallinckrodt had an obligation as required by 11:25:00

11 the DEA to know their customer's customer, 11:25:02

12 correct? 11:25:05

13 MR. O'CONNOR: Objection to 11:25:05

14 form. 11:25:06

15 THE WITNESS: So it was told to 11:25:06

16 us by DEA St. Louis, but DEA Albany 11:25:07

17 contradicted the statement. 11:25:10

18 QUESTIONS BY MR. KO: 11:25:12

19 Q. Okay. And we'll get to that 11:25:12

20 maybe in a moment, but -- well, first of all, 11:25:13

21 is there any indication of a contradiction on 11:25:17

22 this deck? 11:25:19

23 A. Well, so the DEA expectation, 11:25:19

24 I'm using that term as all of DEA here when I 11:25:24

25 prepared the bullet point on the slide, but 11:25:28

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1 the comment came from DEA St. Louis. 11:25:31

2 Q. Okay. So when you say that you 11:25:33

3 are referring to DEA -- the DEA expectation, 11:25:34

4 then it is fair to say that based on your 11:25:39

5 conversation with the DEA on July 20th, you 11:25:41

6 understood that Mallinckrodt had an 11:25:43

7 obligation to know your customer's customer; 11:25:46

8 is that correct? 11:25:50

9 MR. O'CONNOR: Objection to 11:25:50

10 form. 11:25:50

11 THE WITNESS: So again, I'm 11:25:50

12 sorry, it was DEA St. Louis, and it 11:25:51

13 was DEA St. Louis expectation because 11:25:54

14 that was a quote from the 11:25:58

15 conversation. 11:25:59

16 QUESTIONS BY MR. KO: 11:25:59

17 Q. Okay. So I just want to make 11:25:59

18 sure the record is clear. 11:26:01

19 Based on your conversations 11:26:02

20 with DEA St. Louis, it was your understanding 11:26:03

21 that the DEA St. Louis required Mallinckrodt, 11:26:06

22 and in fact expected Mallinckrodt, to know 11:26:10

23 their customer's customer as of July 20, 11:26:13

24 2010; is that correct? 11:26:15

25 MR. O'CONNOR: Objection to 11:26:16

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1	form.	11:26:16	1	I may have carried this information back to	11:28:05
2	THE WITNESS: Yes.	11:26:16	2	the suspicious order monitoring team at the	11:28:08
3	QUESTIONS BY MR. KO:	11:26:17	3	time.	11:28:10
4	Q. Okay. By the way, we talked	11:26:17	4	Q. Okay. I want to turn back to	11:28:10
5	about Mr. Ratliff a moment ago.	11:26:31	5	the table of contents of this deck, which	11:28:26
6	When did you first start	11:26:34	6	appears on page 2. And again, I understand	11:28:32
7	working with Mr. Ratliff?	11:26:35	7	that you didn't actually make this	11:28:41
8	A. I don't know the year.	11:26:37	8	presentation, but you prepared all the	11:28:44
9	Q. Okay. It was before the 2008	11:26:38	9	materials in this presentation, correct?	11:28:47
10	time period?	11:26:41	10	A. Yes.	11:28:48
11	A. I don't know when he came to	11:26:41	11	Q. Including some of the things	11:28:50
12	us, I'm sorry.	11:26:45	12	that we went over and also this reference to	11:28:52
13	Q. Sure.	11:26:46	13	an OxyContin Express video?	11:28:55
14	Do you know who Pete Kleissle	11:26:47	14	A. Yes.	11:28:58
15	is?	11:26:51	15	Q. And do you recall ever	11:28:59
16	A. Yes.	11:26:51	16	presenting -- I know you didn't make this	11:29:01
17	Q. He was at DEA, correct?	11:26:52	17	presentation, but did you recall presenting	11:29:04
18	A. Yes.	11:26:53	18	about the OxyContin Express in other settings	11:29:07
19	Q. Do you recall any conversations	11:26:53	19	at Mallinckrodt?	11:29:13
20	with Pete Kleissle regarding your obligations	11:26:55	20	A. Yes, I believe so.	11:29:13
21	to know your customer's customer?	11:26:59	21	Q. Okay. And that video, again,	11:29:13
22	A. So when I'm using the term	11:27:01	22	consisted of your understanding of migration	11:29:15
23	"DEA" here, this conversation was indeed with	11:27:06	23	of opioid pills moving north from Florida,	11:29:17
24	Pete Kleissle.	11:27:10	24	correct?	11:29:20
25	Q. Okay. So Pete Kleissle	11:27:11	25	A. Correct.	11:29:21
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1	specifically told you and other people that	11:27:15	1	Q. And unfortunately we don't have	11:29:22
2	were at this meeting that you had an	11:27:18	2	the video to play, but I believe --	11:29:27
3	obligation to know your customer's customer	11:27:20	3	A. Unfortunately, a lot of the	11:29:28
4	or --	11:27:23	4	time I couldn't get the video to play.	11:29:31
5	A. It was only me.	11:27:23	5	Q. Oh, okay.	11:29:32
6	Q. Only you. Okay.	11:27:24	6	Well, I believe there's some	11:29:33
7	And who did you share that	11:27:27	7	stills, at least, in this presentation.	11:29:34
8	information with?	11:27:28	8	Turning to page 16.	11:29:36
9	A. The person to whom I reported	11:27:28	9	A. All right.	11:29:37
10	at the time and Bill Ratliff, because I don't	11:27:35	10	Q. Do you recall that particular	11:29:47
11	believe our group reported to him, but we	11:27:38	11	image?	11:29:48
12	work in close conjunction with the security	11:27:39	12	A. I do.	11:29:48
13	group in DEA compliance.	11:27:41	13	Q. This was an image that was	11:29:49
14	Q. Okay. And so the person you	11:27:42	14	included in your video?	11:29:50
15	reported to at the time was Ms. Levy or was	11:27:44	15	A. I don't think so. I think it	11:29:51
16	it Mr. Santowski? You don't recall?	11:27:46	16	was separate.	11:29:54
17	A. It was another person, Tom	11:27:48	17	Q. This is just an image?	11:29:55
18	Berry.	11:27:52	18	A. Yes.	11:29:56
19	Q. Tom Berry. Okay.	11:27:52	19	Q. Okay. This was an image of, I	11:29:57
20	So other than Mr. Berry and	11:27:52	20	think, a pill mill in Florida?	11:29:59
21	Mr. Ratliff, did you talk about this	11:27:54	21	MR. O'CONNOR: Objection to	11:30:01
22	conversation you had with Mr. Kleissle with	11:27:56	22	form.	11:30:01
23	anyone else?	11:27:58	23	THE WITNESS: Yes.	11:30:01
24	A. I may have discussed it --	11:27:59	24	QUESTIONS BY MR. KO:	11:30:02
25	well, clearly I put it in a presentation, so	11:28:04	25	Q. And the pill mill was, I	11:30:02

<p style="text-align: right;">Page 150</p> <p>1 think -- I think this particular picture was 11:30:04</p> <p>2 of Tru-Valu, I believe. 11:30:06</p> <p>3 Does that name ring a bell? 11:30:08</p> <p>4 MR. O'CONNOR: Objection to 11:30:12</p> <p>5 form. 11:30:12</p> <p>6 THE WITNESS: The name rings a 11:30:12</p> <p>7 bell, but I don't have a way of 11:30:13</p> <p>8 identifying the pharmacy here. 11:30:14</p> <p>9 QUESTIONS BY MR. KO: 11:30:16</p> <p>10 Q. Okay. By the way, what's your 11:30:16</p> <p>11 definition of a pill mill? 11:30:17</p> <p>12 A. The definition of a pill mill, 11:30:18</p> <p>13 from my perspective, is a facility wherein 11:30:20</p> <p>14 patients who may not legitimately have the 11:30:28</p> <p>15 need for a prescription would go and have -- 11:30:33</p> <p>16 some doctors were overprescribing or selling 11:30:38</p> <p>17 oxycodone specifically within the state of 11:30:43</p> <p>18 Florida because it was a DEA-registered 11:30:45</p> <p>19 activity at the time. 11:30:47</p> <p>20 Q. And then, therefore, as a 11:30:48</p> <p>21 result of the wide -- or overprescription of 11:30:51</p> <p>22 oxycodone, those particular prescription 11:30:53</p> <p>23 opioids were being widely abused and 11:30:56</p> <p>24 diverted; is that correct? 11:30:59</p> <p>25 MR. O'CONNOR: Objection to 11:30:59</p>	<p style="text-align: right;">Page 152</p> <p>1 as Harper Exhibit 4. For the record, that'll 11:31:52</p> <p>2 end in Bates stamp 496098. 11:31:58</p> <p>3 Actually, we'll skip that one. 11:32:18</p> <p>4 Let's go to -- I'll take that one. Still 11:32:23</p> <p>5 Exhibit 4. Strike that. 11:32:32</p> <p>6 Exhibit 4 is actually ending in 11:32:34</p> <p>7 Bates stamp 1308810. That is Harper 11:32:36</p> <p>8 Exhibit 4. 11:32:44</p> <p>9 You keep that one. That's the 11:32:44</p> <p>10 official copy with the -- 11:32:46</p> <p>11 A. Okay. I apologize. Sorry. 11:32:48</p> <p>12 Q. No need to apologize. 11:32:49</p> <p>13 For the record, this is a 11:32:50</p> <p>14 March 3, 2008 e-mail from you to Bill 11:33:02</p> <p>15 Ratliff. 11:33:05</p> <p>16 Do you see that? 11:33:06</p> <p>17 A. I do. 11:33:06</p> <p>18 Q. Do you have any reason to doubt 11:33:06</p> <p>19 that you sent this e-mail to Mr. Ratliff on 11:33:08</p> <p>20 March 3, 2008? 11:33:11</p> <p>21 A. No reason to doubt it. 11:33:11</p> <p>22 Q. Okay. So I know you said a 11:33:13</p> <p>23 moment ago you don't recall when you started 11:33:14</p> <p>24 working with Mr. Ratliff, but at least as of 11:33:16</p> <p>25 March of 2008, you seemed to be working with 11:33:18</p>
<p style="text-align: right;">Page 151</p> <p>1 form. 11:31:00</p> <p>2 THE WITNESS: So, yes, 11:31:00</p> <p>3 that's -- that's one of the 11:31:02</p> <p>4 contributing factors, yes. 11:31:03</p> <p>5 QUESTIONS BY MR. KO: 11:31:05</p> <p>6 Q. Okay. And you understood 11:31:05</p> <p>7 during the 2008 through 2012 time period that 11:31:07</p> <p>8 there were a large amount of pill mills in 11:31:10</p> <p>9 Florida, correct? 11:31:13</p> <p>10 A. I don't know the number, and I 11:31:14</p> <p>11 don't have a -- a basis for correlation in 11:31:16</p> <p>12 terms of large -- I'm sorry, I can't answer 11:31:18</p> <p>13 the question. 11:31:21</p> <p>14 Q. Relative to any other states 11:31:22</p> <p>15 that you were looking at during your time as 11:31:25</p> <p>16 senior manager of controlled substance 11:31:26</p> <p>17 compliance, do you recall any other state in 11:31:28</p> <p>18 which you've examined pill mill activities 11:31:32</p> <p>19 other than Florida? 11:31:34</p> <p>20 A. No, the focus was Florida. 11:31:36</p> <p>21 (Mallinckrodt-Harper Exhibit 4 11:31:54</p> <p>22 marked for identification.) 11:31:54</p> <p>23 QUESTIONS BY MR. KO: 11:31:40</p> <p>24 Q. Okay. Okay. We can set this 11:31:40</p> <p>25 aside. Right now turn to what will be marked 11:31:49</p>	<p style="text-align: right;">Page 153</p> <p>1 him in connection with DEA compliance, 11:33:20</p> <p>2 correct? 11:33:24</p> <p>3 A. Correct. 11:33:24</p> <p>4 Q. And it appears that you're 11:33:24</p> <p>5 preparing some DEA compliance monthly 11:33:25</p> <p>6 highlights as of February 2008. 11:33:30</p> <p>7 Do you see that? 11:33:32</p> <p>8 A. Yes. 11:33:32</p> <p>9 Q. And do you recall how 11:33:33</p> <p>10 frequently you prepared these monthly 11:33:35</p> <p>11 highlights? 11:33:37</p> <p>12 A. I believe it was monthly. 11:33:38</p> <p>13 Q. And do you recall when you 11:33:39</p> <p>14 first started preparing these? 11:33:40</p> <p>15 A. I do not. 11:33:42</p> <p>16 Q. And here the distribution is to 11:33:44</p> <p>17 Mr. Ratliff. 11:33:47</p> <p>18 Do you recall ever sending 11:33:48</p> <p>19 these DEA compliance monthly highlights to 11:33:50</p> <p>20 anyone else? 11:33:55</p> <p>21 A. They would have been sent to 11:33:55</p> <p>22 the person to whom I reported, so it was Bill 11:33:57</p> <p>23 Ratliff at the time. So there would have 11:33:59</p> <p>24 been other people as -- as my manager changed 11:34:00</p> <p>25 over time. 11:34:03</p>

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<p>1 Q. I see. 11:34:04</p> <p>2 So you sent -- during the time 11:34:04</p> <p>3 period in which you created a DEA compliance 11:34:07</p> <p>4 monthly highlight, you sent those to your 11:34:10</p> <p>5 direct report each month, correct? 11:34:12</p> <p>6 A. The person to whom I reported, 11:34:14</p> <p>7 yes. 11:34:16</p> <p>8 Q. Okay. 11:34:16</p> <p>9 A. And I can't rule out no one 11:34:16</p> <p>10 else received this, but this is directed to 11:34:19</p> <p>11 Bill Ratliff only on the correspondence. 11:34:22</p> <p>12 Q. And as a general matter, these 11:34:24</p> <p>13 monthly highlights were sent only to your 11:34:26</p> <p>14 direct report; is that fair to say? 11:34:29</p> <p>15 A. The person to whom I reported 11:34:31</p> <p>16 directly, yes. 11:34:33</p> <p>17 Q. Okay. Thank you. 11:34:33</p> <p>18 And I just want to go over one 11:34:34</p> <p>19 quick thing on this particular e-mail. 11:34:38</p> <p>20 Do you see three sections down 11:34:42</p> <p>21 the portion of the e-mail that refers to 11:34:46</p> <p>22 suspicious order monitoring? 11:34:48</p> <p>23 A. Yes, I see it. 11:34:49</p> <p>24 Q. You indicate to Mr. Ratliff 11:34:51</p> <p>25 that "the need for a comprehensive review and 11:34:55</p>	<p>1 that Mallinckrodt's SOM program needed to 11:36:02</p> <p>2 be -- needed to receive elevated priority? 11:36:04</p> <p>3 A. I do. 11:36:08</p> <p>4 Q. Yeah. And what were the 11:36:09</p> <p>5 reasons for that? 11:36:11</p> <p>6 A. So this master compounding 11:36:12</p> <p>7 pharmacy sale, which we did not make, the 11:36:15</p> <p>8 matter was brought to our attention by a DEA 11:36:20</p> <p>9 investigator. But after the decision was 11:36:23</p> <p>10 made that that was a suspicious order we 11:36:26</p> <p>11 would not ship, one of the narcotic -- the 11:36:28</p> <p>12 NAMs -- but she was on the bulk side. She 11:36:31</p> <p>13 said to us, "Ah, I was in that place, and it 11:36:34</p> <p>14 didn't look right." 11:36:37</p> <p>15 So that prompted a reeducation 11:36:38</p> <p>16 of the commercial group, our eyes and ears in 11:36:41</p> <p>17 the market again, to call to our attention 11:36:45</p> <p>18 anything that looked abnormal with any of the 11:36:47</p> <p>19 facilities to which we were selling. 11:36:50</p> <p>20 Q. Okay. And during this time 11:36:52</p> <p>21 period -- we had talked a moment ago about 11:36:54</p> <p>22 certain DEA guidance letters that you had 11:36:56</p> <p>23 received in 2006 through 2007 time period, 11:36:59</p> <p>24 correct? 11:37:01</p> <p>25 A. Yes. 11:37:01</p>
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<p>1 upgrade of our suspicious order monitoring 11:34:58</p> <p>2 program has received elevated priority." 11:34:59</p> <p>3 Did I read that correctly? 11:35:02</p> <p>4 A. Yes. 11:35:03</p> <p>5 Q. So is it fair to say that as of 11:35:05</p> <p>6 March of 2008, your belief was that 11:35:08</p> <p>7 Mallinckrodt's SOM program needed to be 11:35:12</p> <p>8 reviewed and upgraded and that -- needed to 11:35:15</p> <p>9 be reviewed and upgraded? 11:35:19</p> <p>10 MR. O'CONNOR: Objection to 11:35:20</p> <p>11 form. 11:35:20</p> <p>12 THE WITNESS: It states -- yes, 11:35:20</p> <p>13 it states "upgraded." I would have 11:35:22</p> <p>14 changed that terminology if I could, 11:35:24</p> <p>15 but it says "upgraded," yes. 11:35:26</p> <p>16 QUESTIONS BY MR. KO: 11:35:27</p> <p>17 Q. Okay. And you also state that 11:35:28</p> <p>18 "as of March 3, 2008, the need to review and 11:35:31</p> <p>19 upgrade Mallinckrodt's SOM program is an 11:35:36</p> <p>20 elevated priority"; is that correct? 11:35:40</p> <p>21 A. Yes. 11:35:42</p> <p>22 Q. Okay. You can set that aside. 11:35:42</p> <p>23 Do you recall -- you can refer 11:35:54</p> <p>24 back to that document if you like, but do you 11:35:55</p> <p>25 recall why you felt at that particular time 11:35:58</p>	<p>1 Q. And those letters were sent by 11:37:01</p> <p>2 Joseph Rannazzisi, correct? 11:37:04</p> <p>3 A. I believe, yes. Yes, he was 11:37:05</p> <p>4 deputy assistant administrator. Yes. 11:37:08</p> <p>5 Q. And is it okay for purposes of 11:37:13</p> <p>6 this deposition to refer to those guidance 11:37:16</p> <p>7 letters as the Rannazzisi letters? 11:37:17</p> <p>8 A. Yes. 11:37:19</p> <p>9 Q. Okay. So was one of the 11:37:19</p> <p>10 reasons why you were putting more attention 11:37:20</p> <p>11 to Mallinckrodt's SOM program a result of 11:37:25</p> <p>12 receiving these -- of receiving the 11:37:28</p> <p>13 Rannazzisi letters? 11:37:30</p> <p>14 A. It caused us to pay -- to give 11:37:31</p> <p>15 more attention to our suspicious order 11:37:36</p> <p>16 monitoring, but specifically this event is as 11:37:38</p> <p>17 I just previously spoke, where we had a 11:37:41</p> <p>18 Mallinckrodt person out at this facility, and 11:37:44</p> <p>19 in retrospect they said it didn't look right 11:37:47</p> <p>20 and it wound up to be a suspicious order. 11:37:50</p> <p>21 So we wanted to reeducate our 11:37:52</p> <p>22 sales force about their reviewing customer 11:37:53</p> <p>23 accounts when they were in there. 11:37:57</p> <p>24 Q. Sure. And I understand the 11:37:59</p> <p>25 specific example you're giving, and I 11:38:00</p>

<p style="text-align: right;">Page 158</p> <p>1 appreciate that. You have great recall about 11:38:02</p> <p>2 that. 11:38:06</p> <p>3 But in terms of revising and 11:38:06</p> <p>4 enhancing your SOM program, would it be 11:38:09</p> <p>5 accurate to say that in early 2008, one of 11:38:12</p> <p>6 the reasons why you wanted to do so was a 11:38:16</p> <p>7 result of receiving the Rannazzisi letters? 11:38:19</p> <p>8 A. Yes. 11:38:20</p> <p>9 Q. Okay. I want to hand you -- 11:38:21</p> <p>10 you can set that aside. 11:38:24</p> <p>11 (Mallinckrodt-Harper Exhibit 5 11:38:25</p> <p>12 marked for identification.) 11:38:25</p> <p>13 QUESTIONS BY MR. KO: 11:38:25</p> <p>14 Q. I want to hand you what's been 11:38:26</p> <p>15 marked as Harper Exhibit 5, and that ends in 11:38:27</p> <p>16 Bates stamp 273902. And this is an e-mail, 11:38:31</p> <p>17 for the record, that you sent to several 11:38:45</p> <p>18 people dated April 10, 2008. 11:38:47</p> <p>19 Do you have any reason to doubt 11:38:51</p> <p>20 that you sent this e-mail on this day and 11:38:55</p> <p>21 time? 11:38:56</p> <p>22 A. I have no reason to doubt it. 11:38:56</p> <p>23 Q. Okay. And here you talk about 11:38:58</p> <p>24 reference to the Drug and Chemical Advisory 11:39:01</p> <p>25 Group. That's the group that we were 11:39:05</p>	<p style="text-align: right;">Page 160</p> <p>1 questions taken from Southwood into a 11:40:12</p> <p>2 checklist, correct? 11:40:19</p> <p>3 A. Correct. 11:40:19</p> <p>4 Q. And this checklist is reference 11:40:21</p> <p>5 to a customer checklist that Mallinckrodt 11:40:24</p> <p>6 utilized in connection with this SOM program, 11:40:27</p> <p>7 correct? 11:40:30</p> <p>8 MR. O'CONNOR: Objection to 11:40:30</p> <p>9 form. 11:40:31</p> <p>10 THE WITNESS: It was being 11:40:31</p> <p>11 implemented at the time, yes. 11:40:33</p> <p>12 QUESTIONS BY MR. KO: 11:40:34</p> <p>13 Q. Okay. So, and when you say 11:40:34</p> <p>14 "implemented at the time" -- thank you for 11:40:37</p> <p>15 that -- as of April 10, 2008, there wasn't 11:40:38</p> <p>16 necessarily a checklist that was final, 11:40:42</p> <p>17 correct? 11:40:44</p> <p>18 A. There were several checklists. 11:40:45</p> <p>19 Okay. 11:40:49</p> <p>20 So may I explain, please? 11:40:49</p> <p>21 Q. Sure. 11:40:51</p> <p>22 A. So there was a customer account 11:40:52</p> <p>23 setup which had been in existence ad 11:40:53</p> <p>24 infinitum, but this was a new customer 11:40:59</p> <p>25 checklist that asked our customers to attest 11:41:01</p>
<p style="text-align: right;">Page 159</p> <p>1 discussing before that Frank Sapienza was 11:39:06</p> <p>2 part of, correct? 11:39:10</p> <p>3 A. Correct. 11:39:12</p> <p>4 Q. And so at least as of this 11:39:12</p> <p>5 time you are consulting with them -- well, is 11:39:14</p> <p>6 it fair to say that as of April 10, 2008, you 11:39:16</p> <p>7 are consulting with the Drug and Chemical 11:39:18</p> <p>8 Advisory Group in connection with your duties 11:39:20</p> <p>9 to design and implement a suspicious order 11:39:21</p> <p>10 monitoring program? 11:39:24</p> <p>11 A. That's correct. 11:39:24</p> <p>12 Q. Okay. And on the additional 11:39:26</p> <p>13 items for consideration section, you talk 11:39:29</p> <p>14 about the Southwood Federal Register Notice. 11:39:33</p> <p>15 Do you see that? 11:39:37</p> <p>16 A. I do. 11:39:38</p> <p>17 Q. And when you describe the 11:39:39</p> <p>18 Southwood Federal Register Notice, you take 11:39:51</p> <p>19 some important elements of that notice and 11:39:56</p> <p>20 relay them to the people you are e-mailing 11:40:03</p> <p>21 here. 11:40:05</p> <p>22 Do you see that? 11:40:05</p> <p>23 A. I do. 11:40:06</p> <p>24 Q. And so when you -- you are 11:40:06</p> <p>25 saying that you should incorporate certain 11:40:09</p>	<p style="text-align: right;">Page 161</p> <p>1 to their -- that they had a suspicious order 11:41:05</p> <p>2 monitoring program. And we got that guidance 11:41:10</p> <p>3 straight from Drug and Chemical Advisory 11:41:12</p> <p>4 Group, that that would be a tool to augment 11:41:16</p> <p>5 our program. 11:41:18</p> <p>6 Q. Okay. So a moment ago when you 11:41:18</p> <p>7 said that there was always a customer account 11:41:21</p> <p>8 setup, as far as you understood, in 11:41:23</p> <p>9 connection with SOM procedure, prior to this 11:41:24</p> <p>10 date was there ever a customer checklist that 11:41:28</p> <p>11 was part of that customer account setup? 11:41:31</p> <p>12 A. Right. So, no, I'd like to 11:41:33</p> <p>13 clarify because the previous checklist was 11:41:34</p> <p>14 not in conjunction with SOM. So this is the 11:41:37</p> <p>15 first SOM checklist. 11:41:40</p> <p>16 Q. Great. 11:41:41</p> <p>17 So accurate to say that as of 11:41:42</p> <p>18 April of 2008, you are developing the first 11:41:45</p> <p>19 customer checklist to be filled out in 11:41:47</p> <p>20 connection with Mallinckrodt's SOM program? 11:41:50</p> <p>21 Correct? 11:41:53</p> <p>22 A. That's correct. 11:41:53</p> <p>23 Q. Okay. And some of the 11:41:54</p> <p>24 questions that you want included in the 11:41:56</p> <p>25 checklist, at least your suggestion, if I 11:41:59</p>

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1	understand correctly, is to try and determine 11:42:01	1	Southwood is to input into the checklist 11:43:27
2	the overall percentage of controlled 11:42:03	2	identification of the percentage of 11:43:32
3	substance filled by the pharmacy. 11:42:05	3	prescriptions filled by the -- filled by the 11:43:35
4	Do you see that? 11:42:06	4	pharmacy that originate from the Internet. 11:43:37
5	A. I do see that. 11:42:07	5	Do you see that? 11:43:39
6	Q. And so that was an important 11:42:08	6	MR. O'CONNOR: Objection to 11:43:39
7	feature of the checklist to you at this time. 11:42:10	7	form. 11:43:41
8	MR. O'CONNOR: Objection to 11:42:11	8	THE WITNESS: It was -- yes, it 11:43:41
9	form. 11:42:12	9	was stated -- it was suggested in 11:43:42
10	QUESTIONS BY MR. KO: 11:42:12	10	Southwood's. 11:43:44
11	Q. Correct? 11:42:13	11	QUESTIONS BY MR. KO: 11:43:45
12	A. So it was -- they were 11:42:13	12	Q. Okay. And that -- you felt 11:43:45
13	statements taken from Southwood, and I'm 11:42:17	13	that that was an important element to be 11:43:47
14	asking the question: Should we incorporate 11:42:19	14	included in the checklist at the time, 11:43:49
15	these questions? 11:42:21	15	correct? 11:43:51
16	Q. Okay. And you're asking the 11:42:23	16	A. So I pulled -- we pulled these 11:43:52
17	question, "should we incorporate," because 11:42:27	17	from Southwood's, but they were not 11:43:57
18	you have received a Federal Register Notice 11:42:28	18	applicable to the questions we asked 11:43:59
19	that suggests that you should consider asking 11:42:30	19	distributors. Some of them became part of a 11:44:02
20	those questions, correct? 11:42:32	20	pharmacy information sheet, so I'm -- I'm 11:44:05
21	MR. O'CONNOR: Objection to 11:42:33	21	confusing the names of our forms, and I 11:44:08
22	form. 11:42:35	22	apologize for that. 11:44:10
23	THE WITNESS: Yes. 11:42:35	23	So this was taken from 11:44:11
24	QUESTIONS BY MR. KO: 11:42:35	24	Southwood's for evaluation by the team: 11:44:12
25	Q. Okay. And one question that 11:42:35	25	Could we, should we, incorporate these 11:44:14
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1	you believe you should ask in light of 11:42:38	1	statements into our direct customer 11:44:17
2	reviewing Southwood is to determine the 11:42:41	2	checklist. 11:44:19
3	overall percentage of controlled substances 11:42:42	3	Q. Right. And thank you for that. 11:44:19
4	filled by a particular pharmacy, correct? 11:42:44	4	So these are questions that you 11:44:21
5	MR. O'CONNOR: Objection to 11:42:46	5	believe should be incorporated into the new 11:44:23
6	form. 11:42:47	6	customer checklist that you were working on 11:44:25
7	THE WITNESS: So we don't ship 11:42:47	7	in April of 2008, correct? 11:44:27
8	to pharmacies, so we adapted the 11:42:50	8	A. I did not know if we should -- 11:44:28
9	spirit of this question to ask the 11:42:53	9	should use them. 11:44:33
10	question of our distributor customers. 11:42:56	10	Q. But you believe that they were 11:44:33
11	QUESTIONS BY MR. KO: 11:42:59	11	good suggestions pursuant to your review of 11:44:36
12	Q. Right. 11:42:59	12	Southwood, correct? 11:44:39
13	But the idea is to understand, 11:43:00	13	MR. O'CONNOR: Objection to 11:44:40
14	notwithstanding the fact that you don't ship 11:43:02	14	form. 11:44:41
15	directly to pharmacies, the idea is to 11:43:04	15	THE WITNESS: So I pulled them 11:44:41
16	understand what overall percentage of a 11:43:08	16	out of Southwood, but I was learning 11:44:42
17	controlled substance is being filled by a 11:43:12	17	more and more and more about the 11:44:43
18	downstream pharmacy, that is, a customer of 11:43:13	18	business and our customers at the 11:44:45
19	one of your distributors, correct? 11:43:17	19	time, and I did not know if these had 11:44:48
20	MR. O'CONNOR: Objection to 11:43:18	20	relevance to be added to this direct 11:44:50
21	form. 11:43:19	21	customer checklist. 11:44:54
22	THE WITNESS: That's correct. 11:43:19	22	QUESTIONS BY MR. KO: 11:44:55
23	QUESTIONS BY MR. KO: 11:43:19	23	Q. Fair enough. 11:44:55
24	Q. Okay. And another important 11:43:20	24	Was the purpose of posing these 11:44:56
25	question that you glean from your review of 11:43:25	25	questions an attempt to understand more, as 11:45:00

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1	you said, about Mallinckrodt's business?	11:45:04	1	questions as you learned from Southwood was	11:46:50
2	Correct?	11:45:06	2	to understand more about the downstream	11:46:52
3	MR. O'CONNOR: Objection to	11:45:07	3	customer of a distributor that you ship drugs	11:46:54
4	form.	11:45:08	4	to?	11:46:57
5	THE WITNESS: Yes.	11:45:08	5	MR. O'CONNOR: Objection to	11:46:57
6	QUESTIONS BY MR. KO:	11:45:09	6	form.	11:46:58
7	Q. And in particular, the	11:45:09	7	THE WITNESS: Yes.	11:46:58
8	questions you posed here you were considering	11:45:11	8	QUESTIONS BY MR. KO:	11:47:01
9	to include in your checklist because they	11:45:15	9	Q. Okay. Thank you.	11:47:02
10	provide details of the downstream customer	11:45:18	10	There's also a reference made,	11:47:04
11	that purchases drugs from distributors that	11:45:21	11	next item down -- next paragraph, excuse me,	11:47:08
12	you ship and sell to directly, correct?	11:45:25	12	starting with "Kim France." Do you see	11:47:13
13	MR. O'CONNOR: Objection to	11:45:27	13	there's a reference made to IntegriChain?	11:47:16
14	form.	11:45:28	14	To help orient you, I've	11:47:21
15	THE WITNESS: Correct.	11:45:28	15	highlighted it on the screen for you.	11:47:23
16	QUESTIONS BY MR. KO:	11:45:32	16	A. Oh, thank you.	11:47:25
17	Q. So is it fair to say that you	11:45:33	17	Q. Yeah.	11:47:25
18	are trying to understand details of where	11:45:35	18	A. Yes, I see it.	11:47:34
19	Mallinckrodt drugs end up in terms of which	11:45:41	19	Q. Okay. And you participated in	11:47:35
20	pharmacy or clinic they go to?	11:45:45	20	the potential retention of IntegriChain, did	11:47:37
21	MR. O'CONNOR: Objection to	11:45:46	21	you not?	11:47:42
22	form.	11:45:47	22	A. Correct.	11:47:42
23	THE WITNESS: We had two	11:45:47	23	Q. Okay. And so did Kimberly	11:47:42
24	checklists.	11:45:51	24	France, as I understand it?	11:47:49
25	May I restate this? Is that	11:45:51	25	A. Yes.	11:47:50
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1	all right with you?	11:45:54	1	Q. And who is Ms. France?	11:47:50
2	QUESTIONS BY MR. KO:	11:45:54	2	A. She was -- she was with the	11:47:51
3	Q. Yeah, sure.	11:45:55	3	patient and product monitoring group that had	11:47:53
4	A. So this was within the scope of	11:45:55	4	a different focus and goal than the DEA	11:47:56
5	the suspicious order checklist going to our	11:45:59	5	compliance group.	11:48:00
6	direct customers. Okay? So these questions	11:46:02	6	Q. Okay. And both she and you	11:48:01
7	were not applicable to our business because	11:46:07	7	were involved in the potential retention of	11:48:06
8	we sold to wholesaler and distributor.	11:46:08	8	IntegriChain during this 2008 time period,	11:48:08
9	But as time went on, we	11:46:10	9	correct?	11:48:12
10	developed a pharmacy information sheet which,	11:46:13	10	A. Yes, among others, yes.	11:48:12
11	when we had conversations with the	11:46:16	11	Q. Okay. And this e-mail	11:48:14
12	distributors about their customers, we asked	11:46:18	12	specifically states from you that "one of the	11:48:16
13	these questions from Southwood's: Are you	11:46:21	13	goals of the Mallinckrodt IntegriChain	11:48:19
14	aware that your pharmacy customer has these	11:46:25	14	project being considered as part of RiskMAP	11:48:22
15	percentages, et cetera.	11:46:27	15	is to combine prescription data from Verispan	11:48:24
16	So there are two checklists,	11:46:28	16	and IMS, added Mallinckrodt sales data and,	11:48:28
17	and I think they're getting interchanged	11:46:29	17	coupled with ARCOS data from DEA, to provide	11:48:32
18	here, and I apologize for the confusion.	11:46:31	18	a mechanism to detect diversion through the	11:48:34
19	Q. That's okay. I appreciate the	11:46:33	19	supply chain."	11:48:37
20	response. I just have a simple yes or no	11:46:37	20	Did I read that correctly?	11:48:38
21	question.	11:46:40	21	A. Yes, you did.	11:48:39
22	A. All right.	11:46:41	22	Q. Okay. And so was one of the	11:48:42
23	Q. Is it accurate to say, yes or	11:46:41	23	purposes of trying to retain IntegriChain to	11:48:44
24	no, that one of the reasons why you are	11:46:44	24	understand where Mallinckrodt prescription	11:48:48
25	suggesting the consideration of these	11:46:46	25	opioids were ending up once they had left	11:48:52

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<p>1 Mallinckrodt facilities in Hobart and 11:48:54</p> <p>2 St. Louis? 11:48:56</p> <p>3 A. We were looking at that as a 11:48:57</p> <p>4 possibility, yes. 11:49:01</p> <p>5 Q. Okay. And so you were trying 11:49:01</p> <p>6 to understand and trying to detect diversion 11:49:02</p> <p>7 throughout the supply chain with the help of 11:49:05</p> <p>8 IntegriChain; is that correct? 11:49:09</p> <p>9 MR. O'CONNOR: Objection to 11:49:11</p> <p>10 form. 11:49:12</p> <p>11 THE WITNESS: Yes, that is the 11:49:12</p> <p>12 service they offered, yes. 11:49:13</p> <p>13 QUESTIONS BY MR. KO: 11:49:20</p> <p>14 Q. Okay. And can you generally 11:49:21</p> <p>15 describe to the Court your involvement with 11:49:22</p> <p>16 this project? 11:49:23</p> <p>17 A. IntegriChain came in to 11:49:24</p> <p>18 Mallinckrodt and gave one or two 11:49:28</p> <p>19 presentations. I'm not certain. And then we 11:49:30</p> <p>20 evaluated the merit of adding that to our 11:49:35</p> <p>21 suspicious order monitoring, and we decided 11:49:39</p> <p>22 not to add IntegriChain's services. 11:49:40</p> <p>23 Q. And why did you decide not to 11:49:43</p> <p>24 retain them? 11:49:45</p> <p>25 A. So IntegriChain was a vendor, 11:49:45</p>	<p>1 Do you have any reason to 11:50:58</p> <p>2 dispute that? 11:50:59</p> <p>3 MR. O'CONNOR: Objection to 11:51:00</p> <p>4 form. 11:51:00</p> <p>5 THE WITNESS: I have no reason 11:51:00</p> <p>6 to dispute it. 11:51:01</p> <p>7 QUESTIONS BY MR. KO: 11:51:02</p> <p>8 Q. Okay. So do you recall 11:51:02</p> <p>9 actually asking for approval from Mr. Ratliff 11:51:04</p> <p>10 to participate in the potential retention of 11:51:07</p> <p>11 IntegriChain? 11:51:09</p> <p>12 A. I do. 11:51:10</p> <p>13 Q. Okay. And that was obviously 11:51:11</p> <p>14 prior to this date, but do you recall whether 11:51:13</p> <p>15 or not that was in the 2007 time period? 11:51:15</p> <p>16 A. I don't recall the date, I'm 11:51:17</p> <p>17 sorry. 11:51:21</p> <p>18 Q. Okay. I want to go forward to 11:51:21</p> <p>19 the second attachment, titled "IntegriChain 11:51:29</p> <p>20 Pilot Program and Overview." And I don't -- 11:51:33</p> <p>21 we don't need to go through this in detail, 11:51:36</p> <p>22 but do you recall who actually drafted this 11:51:38</p> <p>23 language? 11:51:45</p> <p>24 A. It was not me. 11:51:46</p> <p>25 Q. Okay. Was it someone at 11:51:49</p>
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<p>1 and their data collection did not add value 11:49:49</p> <p>2 from our perspective to our suspicious order 11:49:54</p> <p>3 monitoring program at the time. 11:49:57</p> <p>4 Q. Uh-huh. And why did you feel 11:49:58</p> <p>5 like they did not add value? 11:50:00</p> <p>6 A. Well, it was a multitude of 11:50:01</p> <p>7 data from different sources, not necessarily 11:50:06</p> <p>8 specific to Mallinckrodt data, and we 11:50:10</p> <p>9 evaluated it, as I said. 11:50:14</p> <p>10 This also says "coupled with 11:50:16</p> <p>11 ARCOS data from DEA." DEA has steadfastly 11:50:18</p> <p>12 throughout time refused to share ARCOS data 11:50:22</p> <p>13 with anyone, and so that was another key 11:50:25</p> <p>14 component of their program. 11:50:28</p> <p>15 So for those reasons we 11:50:31</p> <p>16 declined the service. 11:50:32</p> <p>17 Q. Do you recall how long you 11:50:34</p> <p>18 evaluated whether or not you were going to 11:50:35</p> <p>19 retain IntegriChain? 11:50:36</p> <p>20 A. It was straightaway, shortly 11:50:38</p> <p>21 after their one or two presentations. 11:50:42</p> <p>22 Q. Okay. I have seen reference to 11:50:46</p> <p>23 documents in which you have -- you have asked 11:50:51</p> <p>24 approval from Bill Ratliff to be part of the 11:50:53</p> <p>25 IntegriChain project. 11:50:56</p>	<p>1 Mallinckrodt? 11:51:50</p> <p>2 A. I do not know, or if it was 11:51:50</p> <p>3 IntegriChain. 11:51:53</p> <p>4 Q. Okay. But as far as you know, 11:51:54</p> <p>5 you didn't draft this particular language, 11:51:55</p> <p>6 correct? 11:51:57</p> <p>7 A. I'm positive I did not. 11:51:57</p> <p>8 Q. Okay. Despite not knowing who 11:51:59</p> <p>9 may have drafted it, as you said, you were 11:52:07</p> <p>10 considering retention of IntegriChain because 11:52:09</p> <p>11 they were going to hopefully help detect 11:52:13</p> <p>12 diversion throughout the supply chain. So 11:52:17</p> <p>13 separate and apart from what I'm 11:52:19</p> <p>14 highlighting, sorry. 11:52:22</p> <p>15 A. Oh, I'm sorry. 11:52:22</p> <p>16 Q. Yeah, no, that's okay. Let me 11:52:23</p> <p>17 repeat. 11:52:25</p> <p>18 A. Okay. 11:52:26</p> <p>19 Q. You were considering the 11:52:26</p> <p>20 retention of IntegriChain because they were 11:52:27</p> <p>21 going to help detect diversion throughout the 11:52:30</p> <p>22 supply chain, correct? 11:52:31</p> <p>23 MR. O'CONNOR: Objection to 11:52:32</p> <p>24 form. 11:52:33</p> <p>25 THE WITNESS: Yes, that was 11:52:33</p>

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1	what they advertised. Yes.	11:52:33	1	described it as being a report of adverse	11:54:08
2	QUESTIONS BY MR. KO:	11:52:36	2	events, correct?	11:54:10
3	Q. That was the intent?	11:52:37	3	A. Yes.	11:54:11
4	A. Yes.	11:52:37	4	Q. Why would -- why would not	11:54:12
5	Q. And one of the ways that they	11:52:38	5	considering an adverse event be a fruitful	11:54:17
6	would do that was through capturing -- at	11:52:39	6	thing to do in connection with trying to	11:54:20
7	least representing to you that they would	11:52:41	7	detect suspicious orders?	11:54:22
8	capture detailed data, correct?	11:52:43	8	MR. O'CONNOR: Objection to	11:54:23
9	A. Correct.	11:52:45	9	form.	11:54:24
10	Q. And so -- and in particular, in	11:52:46	10	THE WITNESS: Adverse events	11:54:25
11	the second sentence of this background	11:52:48	11	were handled by patient and product	11:54:27
12	material, it indicates that "detailed data	11:52:51	12	monitoring, and they were events such	11:54:30
13	through surveillance and pharmacovigilance is	11:52:56	13	as a doctor had a patient on the	11:54:34
14	an important resource for the company."	11:53:00	14	operating table and had administered a	11:54:35
15	Do you see that?	11:53:02	15	Mallinckrodt medication and there was	11:54:37
16	A. I do see that.	11:53:03	16	some unexpected symptom occurring. So	11:54:38
17	Q. Would you agree with that	11:53:03	17	it was like a hotline of	11:54:44
18	statement?	11:53:04	18	pharmacovigilance.	11:54:47
19	A. I would not.	11:53:04	19	QUESTIONS BY MR. KO:	11:54:49
20	Q. You don't believe detailed data	11:53:05	20	Q. Okay. And was that -- did --	11:54:49
21	is an important resource for the company?	11:53:08	21	during your time at Mallinckrodt, did you	11:54:51
22	A. I don't understand how	11:53:09	22	ever receive -- or were you aware of any	11:54:54
23	pharmacovigilance, which in my understanding	11:53:10	23	adverse event reports related to diversion?	11:55:00
24	is adverse event reporting, could be an	11:53:12	24	MR. O'CONNOR: Objection to	11:55:02
25	important resource for the company.	11:53:18	25	form.	11:55:03
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1	Also, this statement -- may I	11:53:20	1	THE WITNESS: Yes.	11:55:03
2	say something else, please?	11:53:22	2	QUESTIONS BY MR. KO:	11:55:08
3	Q. Of course.	11:53:24	3	Q. Okay. And did you -- during	11:55:08
4	A. So this document, it switches	11:53:24	4	your time at Mallinckrodt, did you ever	11:55:13
5	back and forth, so it's confusing in terms of	11:53:26	5	receive or were you aware of any adverse	11:55:15
6	they're talking about "the company,"	11:53:30	6	event reports related to the abuse of	11:55:18
7	Mallinckrodt, but then "our company,"	11:53:33	7	prescription opioids manufactured by	11:55:20
8	indicating IntegriChain.	11:53:36	8	Mallinckrodt?	11:55:23
9	So it's difficult to -- to	11:53:38	9	A. Yes.	11:55:24
10	define every sentence and under --	11:53:43	10	Q. Okay. And notwithstanding the	11:55:27
11	Q. Sure. Fair enough.	11:53:46	11	fact that some of these adverse event reports	11:55:29
12	A. Thank you. Thank you.	11:53:47	12	included instances of diversion and abuse,	11:55:31
13	Q. Fair enough. And we can put	11:53:47	13	you don't believe that it was necessary to	11:55:35
14	the document aside because I don't mean to	11:53:49	14	include these -- or consider these reports in	11:55:37
15	put you through a memory test of the actual	11:53:51	15	connection with Mallinckrodt's duties to	11:55:40
16	document.	11:53:53	16	implement and design a suspicious order	11:55:42
17	A. Okay.	11:53:53	17	monitoring program?	11:55:44
18	Q. I would just ask you separately	11:53:53	18	MR. O'CONNOR: Objection to	11:55:44
19	whether or not you believe detailed data is	11:53:55	19	form.	11:55:46
20	an important resource for the company to	11:53:57	20	THE WITNESS: So this was one	11:55:46
21	utilize in trying to detect diversion.	11:54:00	21	of the tools that was offered to us,	11:55:49
22	A. Yes. In general, yes.	11:54:03	22	among many, and eventually we realized	11:55:51
23	Q. Okay. And a moment ago when	11:54:04	23	that we had the chargeback tool which	11:55:55
24	you were talking about what your	11:54:06	24	could give us the detailed data about	11:56:00
25	understanding of pharmacovigilance is, you	11:54:06	25	the Mallinckrodt product, whereas	11:56:03

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1	IntegriChain was talking about the	11:56:05	1	answer to the extent answering his	11:57:52
2	universe of products not specific to	11:56:07	2	question would reveal any	11:57:54
3	Mallinckrodt.	11:56:08	3	conversations you had with company	11:57:56
4	QUESTIONS BY MR. KO:	11:56:08	4	counsel.	11:57:57
5	Q. Sure. And I understand --	11:56:09	5	THE WITNESS: Okay. I can	11:57:58
6	maybe it'll help to put the document aside.	11:56:10	6	answer because it did not relate to	11:58:01
7	A. Okay.	11:56:13	7	conversation with company counsel.	11:58:04
8	Q. I really don't have any more	11:56:13	8	QUESTIONS BY MR. KO:	11:58:05
9	questions on it. I was just asking with	11:56:14	9	Q. Okay.	11:58:05
10	respect to your statement about	11:56:16	10	A. The adverse event that was	11:58:05
11	pharmacovigilance and adverse --	11:56:18	11	reported was a result of someone -- the	11:58:08
12	A. Uh-huh.	11:56:18	12	allegation was stealing fentanyl patches from	11:58:12
13	Q. -- event reports in particular.	11:56:19	13	a glove compartment of a car that was hot.	11:58:16
14	You had suggested that it was	11:56:19	14	Fentanyl, the active ingredient is activated	11:58:19
15	not necessary to review adverse event reports	11:56:24	15	by heat. And so the person who suffered the	11:58:21
16	in connection with Mallinckrodt's duties to	11:56:27	16	adverse event had stolen the fentanyl,	11:58:24
17	design and implement an SOM program.	11:56:33	17	allegedly, taken it and, yes, overdosed. And	11:58:27
18	Is that what you testified to?	11:56:35	18	I don't know if they expired or not. I know	11:58:32
19	MR. O'CONNOR: Objection to	11:56:37	19	there was a medical emergency.	11:58:35
20	form.	11:56:37	20	Q. Isn't that an example of	11:58:37
21	THE WITNESS: Yes.	11:56:37	21	diversion leading to an opioid overdose?	11:58:39
22	QUESTIONS BY MR. KO:	11:56:38	22	A. Yes, it's diversion at the	11:58:41
23	Q. Okay. And my question is, why	11:56:38	23	patient level, yes.	11:58:47
24	would you not consider such adverse event	11:56:39	24	Q. Okay. And diversion at the	11:58:47
25	reports relating to the abuse and diversion	11:56:42	25	patient level is something that would be	11:58:49
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1	of Mallinckrodt prescription opioids that	11:56:44	1	important for you to understand that is	11:58:52
2	were contained in such adverse event reports	11:56:47	2	occurring in connection with your duties as	11:58:53
3	as you testified?	11:56:49	3	someone responsible for designing and	11:58:57
4	A. Okay. Please, I'd like to take	11:56:50	4	implementing a system to detect suspicious	11:59:00
5	a break and confer with my attorneys on this	11:56:54	5	orders, is it not?	11:59:03
6	answer.	11:56:56	6	MR. O'CONNOR: Objection to	11:59:04
7	MR. KO: Okay.	11:56:57	7	form.	11:59:05
8	MR. O'CONNOR: Answer the	11:56:57	8	THE WITNESS: So it's	11:59:05
9	pending question.	11:57:00	9	impossible, completely impossible. We	11:59:12
10	THE WITNESS: Because the	11:57:01	10	can monitor potentially down to the	11:59:14
11	adverse events that came to my	11:57:03	11	pharmacy level, but once the	11:59:15
12	attention were notices of document	11:57:04	12	prescription is dispensed, we cannot	11:59:17
13	retention notice of litigation against	11:57:09	13	prevent diversion when it gets into a	11:59:21
14	the company for people who took	11:57:11	14	private person's hands.	11:59:24
15	fentanyl -- various -- various	11:57:19	15	QUESTIONS BY MR. KO:	11:59:25
16	episodes that resulted in abuse or a	11:57:22	16	Q. I know that you may think that	11:59:26
17	lawsuit against the company as a	11:57:27	17	you cannot prevent diversion, but my question	11:59:27
18	result of perceived Mallinckrodt	11:57:30	18	is simply whether or not it would be	11:59:30
19	responsibility.	11:57:33	19	important to know whether Mallinckrodt drugs	11:59:33
20	QUESTIONS BY MR. KO:	11:57:34	20	were being diverted in instances like you	11:59:36
21	Q. Okay. And with respect to that	11:57:35	21	just described.	11:59:39
22	example in particular about the fentanyl	11:57:37	22	A. Yes.	11:59:41
23	episode, that was related to an overdose?	11:57:41	23	MR. O'CONNOR: Objection to	11:59:42
24	MR. O'CONNOR: And just for	11:57:48	24	form.	11:59:43
25	clarity, I'm instructing you not to	11:57:49	25		

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1	QUESTIONS BY MR. KO: 11:59:43	1	have Exhibit 6 in front of you? 12:13:58
2	Q. And in particular, it would be 11:59:43	2	A. It's Exhibit 2. 12:14:00
3	important to know -- if there were thousands 11:59:45	3	Q. Oh, Exhibit 2. Okay. You can 12:14:01
4	of overdoses that resulted from diversion of 11:59:46	4	set that aside. 12:14:02
5	Mallinckrodt drugs, that would be important 11:59:50	5	I'm going to hand you a copy of 12:14:03
6	to know in connection with your duties as 11:59:52	6	what's previously been marked as Exhibit 21 12:14:04
7	a -- someone responsible for implementing an 11:59:55	7	of the Stewart deposition. 12:14:06
8	SOM program, correct? 11:59:58	8	MR. KO: And for the record, 12:14:18
9	MR. O'CONNOR: Objection to 11:59:59	9	this is -- ends in Bates 274111, and 12:14:20
10	form. 11:59:59	10	it is an e-mail from Cathy Stewart to 12:14:26
11	THE WITNESS: So will you 11:59:59	11	several people, and you are among the 12:14:29
12	please repeat the question? I'm 12:00:03	12	recipients. 12:14:32
13	sorry. 12:00:04	13	QUESTIONS BY MR. KO: 12:14:32
14	QUESTIONS BY MR. KO: 12:00:04	14	Q. Do you see that? 12:14:32
15	Q. Sure. 12:00:04	15	A. I do. 12:14:32
16	If there were thousands of 12:00:04	16	Q. And it's dated May 14, 2008, 12:14:33
17	overdoses that resulted from the diversion of 12:00:06	17	correct? 12:14:35
18	Mallinckrodt drugs, that would be important 12:00:08	18	A. Yes. 12:14:35
19	to know in connection with your duties as 12:00:11	19	Q. And by the way, who is -- or 12:14:36
20	someone responsible for implementing an SOM 12:00:13	20	you know Cathy Stewart, right? 12:14:37
21	program, correct? 12:00:15	21	A. Yes. 12:14:39
22	MR. O'CONNOR: Objection. 12:00:16	22	Q. You worked with her in 12:14:40
23	THE WITNESS: Yes. So the 12:00:17	23	connection with SOM procedure -- 12:14:42
24	question is hypothetical -- yes, 12:00:20	24	A. Yes. 12:14:44
25	thousands, yes, that would have been a 12:00:21	25	Q. -- and activities? 12:14:44
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1	concern. 12:00:23	1	A. (Witness nods head.) 12:14:46
2	QUESTIONS BY MR. KO: 12:00:23	2	Q. Okay. And do you respect her 12:14:46
3	Q. And overdose deaths that result 12:00:28	3	opinions? 12:14:48
4	from someone taking a pill from a patient is 12:00:32	4	A. Yes. 12:14:48
5	a sign of diversion, is it not? 12:00:35	5	Q. Okay. And did you work with 12:14:49
6	MR. O'CONNOR: Objection. 12:00:38	6	her closely throughout the 2008 and 2012 time 12:14:51
7	Form. 12:00:40	7	period? 12:14:54
8	THE WITNESS: It's a form of 12:00:40	8	A. I can't -- she wasn't in that 12:14:54
9	diversion. It's misuse of a 12:00:42	9	role for an extremely long time, so I don't 12:14:56
10	prescription drug, yes. 12:00:43	10	know when she left, I'm sorry. 12:14:58
11	MR. O'CONNOR: Counsel, we've 12:00:46	11	Q. Did you work with her closely 12:15:00
12	been going almost an hour and a half. 12:00:47	12	in connection with SOM-related activities at 12:15:01
13	Should we take another break? 12:00:48	13	Mallinckrodt in the 2007, 2008 time period? 12:15:04
14	MR. KO: Yeah, I was just going 12:00:50	14	A. I don't know when she started. 12:15:07
15	to say it's time for a break. 12:00:52	15	Clearly it was in May of 2008, but I don't 12:15:12
16	VIDEOGRAPHER: We are going off 12:00:54	16	know the start or the end date of when she 12:15:15
17	the record at 12 p.m. 12:00:55	17	became part of the initiative. 12:15:18
18	(Off the record at 12:00 p.m.) 12:00:58	18	Q. And you attended a -- you 12:15:21
19	VIDEOGRAPHER: We are back on 12:13:39	19	attended a conference with her -- 12:15:27
20	the record at 12:13 p.m. 12:13:43	20	A. Yes. 12:15:28
21	QUESTIONS BY MR. KO: 12:13:45	21	Q. -- in 2008, correct? 12:15:29
22	Q. Welcome back from the break, 12:13:47	22	A. Yes. 12:15:30
23	Ms. Harper. 12:13:49	23	Q. And this was, I believe, in 12:15:30
24	A. Thank you. 12:13:50	24	October of 2008, and it was the Buzzeo 12:15:32
25	Q. Going back to the -- do you 12:13:50	25	conference? 12:15:36

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<p>1 A. Yes. 12:15:36</p> <p>2 Q. And I know that postdates the 12:15:36</p> <p>3 date of this letter, but do you recall anyone 12:15:38</p> <p>4 else attending that conference other than you 12:15:42</p> <p>5 and Cathy from Mallinckrodt? 12:15:45</p> <p>6 A. I do not. 12:15:47</p> <p>7 Q. Okay. So as far as you recall, 12:15:48</p> <p>8 you were the only -- you and Cathy were the 12:15:55</p> <p>9 only two that attended the Buzzeeo conference 12:15:57</p> <p>10 in 2008? 12:16:00</p> <p>11 A. Yes. 12:16:01</p> <p>12 Q. And what was her position 12:16:01</p> <p>13 during the 2008 time period? 12:16:03</p> <p>14 A. Manager of dosage customer 12:16:04</p> <p>15 service. 12:16:09</p> <p>16 Q. Okay. So she was a customer 12:16:09</p> <p>17 service rep -- or sorry, excuse me. She was 12:16:11</p> <p>18 involved in the customer service group, 12:16:14</p> <p>19 correct? 12:16:16</p> <p>20 A. Correct. The reps reported to 12:16:16</p> <p>21 her. 12:16:17</p> <p>22 Q. Right. 12:16:18</p> <p>23 And so she, at least of this 12:16:18</p> <p>24 time, was having some involvement in the 12:16:23</p> <p>25 revising of Mallinckrodt's SOM program; is 12:16:25</p>	<p>1 A. Yes. 12:17:23</p> <p>2 Q. So Ms. Stewart is at this time, 12:17:24</p> <p>3 as of May 14, 2008, working with you and 12:17:27</p> <p>4 Mr. Ratliff to specifically ensure that 12:17:32</p> <p>5 Mallinckrodt maintains compliance with DEA 12:17:40</p> <p>6 requirements related to identification of 12:17:42</p> <p>7 suspicious orders, correct? 12:17:44</p> <p>8 A. I don't see the word 12:17:45</p> <p>9 "specifically," but, yes, she was assisting 12:17:49</p> <p>10 with enhancing the program. 12:17:52</p> <p>11 Q. Okay. And then she also 12:17:55</p> <p>12 mentioned -- mentions that "in light of the 12:17:57</p> <p>13 recent developments with McKesson, a good 12:17:59</p> <p>14 deal of focus is being placed on this 12:18:02</p> <p>15 project." 12:18:03</p> <p>16 Do you see that? 12:18:04</p> <p>17 A. I do. 12:18:04</p> <p>18 Q. And is she referring to a DEA 12:18:05</p> <p>19 investigation that ultimately resulted in a 12:18:08</p> <p>20 DEA action against McKesson in the early 2008 12:18:12</p> <p>21 time period? 12:18:16</p> <p>22 A. Yes. 12:18:16</p> <p>23 Q. Okay. And McKesson, as we 12:18:17</p> <p>24 mentioned before, is a -- is one of the -- or 12:18:21</p> <p>25 one of the major distributors that faced DEA 12:18:23</p>
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<p>1 that fair to say? 12:16:29</p> <p>2 A. Yes. 12:16:29</p> <p>3 Q. Okay. And also it appears that 12:16:30</p> <p>4 at this time the customer service group is 12:16:33</p> <p>5 having some involvement in the implementation 12:16:35</p> <p>6 of the revised SOM program. 12:16:38</p> <p>7 Separate and apart from what 12:16:39</p> <p>8 the e-mail says, is it your recollection that 12:16:41</p> <p>9 the customer service group had some 12:16:44</p> <p>10 involvement in the revising of Mallinckrodt's 12:16:45</p> <p>11 SOM program in 2008? 12:16:47</p> <p>12 MR. O'CONNOR: Objection to 12:16:49</p> <p>13 form. 12:16:50</p> <p>14 THE WITNESS: Yes. 12:16:50</p> <p>15 QUESTIONS BY MR. KO: 12:16:50</p> <p>16 Q. Okay. Ms. Stewart says that -- 12:16:51</p> <p>17 in particular that she is advising everyone 12:17:00</p> <p>18 on this e-mail that she is working with you 12:17:03</p> <p>19 and Mr. Harper to develop procedures to 12:17:06</p> <p>20 ensure that Mallinckrodt maintains compliance 12:17:11</p> <p>21 with DEA requirements to identify suspicious 12:17:15</p> <p>22 orders; is that correct? 12:17:18</p> <p>23 A. So I'm Harper, and it talks 12:17:18</p> <p>24 about working with me and Bill Ratliff. 12:17:21</p> <p>25 Q. Right. 12:17:23</p>	<p>1 scrutiny regarding their distribution of 12:18:25</p> <p>2 prescription opioids, correct? 12:18:28</p> <p>3 A. Yes. 12:18:29</p> <p>4 Q. Okay. Now, she goes on to 12:18:32</p> <p>5 describe generally when an order is deemed 12:18:34</p> <p>6 peculiar by a customer service rep. 12:18:41</p> <p>7 Do you see that? 12:18:42</p> <p>8 A. Uh-huh. Yes. 12:18:42</p> <p>9 Q. And she says that "an order is 12:18:44</p> <p>10 deemed peculiar by a customer service rep 12:18:50</p> <p>11 based on a set of guidelines currently being 12:18:52</p> <p>12 developed." 12:18:56</p> <p>13 Do you see that reference? 12:18:56</p> <p>14 First sentence of the second 12:19:05</p> <p>15 paragraph. 12:19:07</p> <p>16 A. Yes, yes, yes, I see it. Yes, 12:19:07</p> <p>17 thank you. 12:19:08</p> <p>18 Q. So fair to say as of May 14, 12:19:08</p> <p>19 2008, Mallinckrodt is developing certain 12:19:13</p> <p>20 guidelines to determine whether or not an 12:19:15</p> <p>21 order is peculiar? 12:19:17</p> <p>22 A. It's not correct. 12:19:20</p> <p>23 Q. Okay. Is it -- is that -- is 12:19:21</p> <p>24 your testimony that it's not correct because 12:19:24</p> <p>25 you always had a system to determine whether 12:19:25</p>

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<p>1 or not an order was peculiar? 12:19:28</p> <p>2 A. That's correct. 12:19:29</p> <p>3 Q. Okay. So is it fair to say 12:19:30</p> <p>4 that as of May 14, 2008, you are revising the 12:19:31</p> <p>5 set of guidelines to determine whether or not 12:19:37</p> <p>6 it's peculiar? 12:19:39</p> <p>7 A. Yes. 12:19:40</p> <p>8 Q. Okay. And what is the 12:19:41</p> <p>9 difference from your perspective between a 12:19:47</p> <p>10 peculiar order and a suspicious order? 12:19:49</p> <p>11 A. We -- at different times with 12:19:51</p> <p>12 the enhancements of our program, we called 12:19:58</p> <p>13 orders "peculiar," we called orders 12:20:01</p> <p>14 "unusual," and we called orders "suspicious." 12:20:03</p> <p>15 So at this time, the peculiar order was 12:20:06</p> <p>16 something that came to our attention and 12:20:10</p> <p>17 warranted additional review but was not 12:20:14</p> <p>18 necessarily deemed to be suspicious. 12:20:17</p> <p>19 Q. Okay. So a peculiar order, if 12:20:19</p> <p>20 I understand your testimony correctly, is not 12:20:21</p> <p>21 necessarily synonymous with a suspicious 12:20:23</p> <p>22 order; is that correct? 12:20:26</p> <p>23 A. Correct. 12:20:26</p> <p>24 Q. Okay. And if I understand both 12:20:28</p> <p>25 this e-mail and some other documents I've 12:20:32</p>	<p>1 could have been anything that came to the 12:21:34</p> <p>2 customer service rep's attention as them 12:21:35</p> <p>3 being familiar with the account. 12:21:39</p> <p>4 Q. Okay. Because as you testified 12:21:41</p> <p>5 previously, they were your eyes and ears to 12:21:43</p> <p>6 the customer, correct? 12:21:47</p> <p>7 A. That was the NAMs. But, yes, 12:21:48</p> <p>8 the customer service reps were veterans with 12:21:49</p> <p>9 the accounts, and, yes, they knew the 12:21:51</p> <p>10 customers. 12:21:56</p> <p>11 Q. So would you agree -- because I 12:21:56</p> <p>12 realize that you are trying to make a 12:22:04</p> <p>13 distinction between the NAMs and the CSRs. 12:22:08</p> <p>14 But would it be fair to say 12:22:11</p> <p>15 that the CSRs had deep knowledge about the 12:22:12</p> <p>16 customers? 12:22:16</p> <p>17 MR. O'CONNOR: Objection to 12:22:16</p> <p>18 form. 12:22:17</p> <p>19 QUESTIONS BY MR. KO: 12:22:17</p> <p>20 Q. Of Mallinckrodt? 12:22:17</p> <p>21 A. I wouldn't use the term "deep 12:22:18</p> <p>22 knowledge." They had knowledge of the 12:22:22</p> <p>23 customers from the customer service 12:22:24</p> <p>24 perspective. 12:22:26</p> <p>25 Q. Okay. And when you said 12:22:27</p>
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<p>1 reviewed, my understanding is that once an 12:20:35</p> <p>2 order is identified as peculiar, certain 12:20:38</p> <p>3 people make the determination of whether or 12:20:42</p> <p>4 not the order is ultimately suspicious 12:20:44</p> <p>5 sufficient to notify the DEA; is that 12:20:46</p> <p>6 accurate? 12:20:48</p> <p>7 MR. O'CONNOR: Objection to 12:20:48</p> <p>8 form. 12:20:49</p> <p>9 THE WITNESS: Yes. 12:20:49</p> <p>10 QUESTIONS BY MR. KO: 12:20:50</p> <p>11 Q. Okay. And so for purposes of 12:20:50</p> <p>12 this e-mail from Ms. Stewart to you, among 12:20:54</p> <p>13 others, she is discussing a revision of what 12:20:58</p> <p>14 determines a peculiar order, correct? 12:21:03</p> <p>15 A. A peculiar order as recognized 12:21:05</p> <p>16 by customer service. 12:21:11</p> <p>17 Q. Okay. 12:21:12</p> <p>18 A. Yes. 12:21:12</p> <p>19 Q. And is it accurate to say that 12:21:13</p> <p>20 a peculiar order -- whether or not an order 12:21:17</p> <p>21 was deemed peculiar was based on an 12:21:22</p> <p>22 algorithm, as we discussed earlier; is that 12:21:25</p> <p>23 correct? 12:21:29</p> <p>24 A. That was one of the reasons, 12:21:29</p> <p>25 but in the case of a customer service rep, it 12:21:31</p>	<p>1 earlier that the NAMs were your eyes and 12:22:29</p> <p>2 ears, would you also say that the customer 12:22:34</p> <p>3 service reps to some extent were the eyes and 12:22:36</p> <p>4 ears for the Mallinckrodt business as well? 12:22:38</p> <p>5 A. If you use the term -- making 12:22:40</p> <p>6 an inferential leap, because the customer 12:22:45</p> <p>7 service reps didn't see the customers or -- 12:22:48</p> <p>8 they talked to the customers and took 12:22:50</p> <p>9 customer orders. 12:22:52</p> <p>10 Q. Okay. Let me make sure I 12:22:53</p> <p>11 understand it. 12:22:55</p> <p>12 They didn't see the customers, 12:22:55</p> <p>13 but they talked to them? 12:22:57</p> <p>14 A. Yes. 12:22:58</p> <p>15 Q. Okay. So they didn't actually 12:22:58</p> <p>16 visit them like the NAMs did, but they would 12:23:00</p> <p>17 speak to them via telephone only? 12:23:03</p> <p>18 MR. O'CONNOR: Objection to 12:23:05</p> <p>19 form. 12:23:06</p> <p>20 THE WITNESS: Correct. 12:23:06</p> <p>21 QUESTIONS BY MR. KO: 12:23:06</p> <p>22 Q. But the CSRs had, through these 12:23:06</p> <p>23 conversations, presumably had knowledge about 12:23:10</p> <p>24 the customers, correct? 12:23:11</p> <p>25 A. Yes. 12:23:13</p>

<p style="text-align: right;">Page 194</p> <p>1 Q. Turning back to this 12:23:20</p> <p>2 distinction between peculiar and suspicious, 12:23:21</p> <p>3 do you ever recall an instance in which an 12:23:23</p> <p>4 order was identified as suspicious but not 12:23:25</p> <p>5 peculiar? 12:23:30</p> <p>6 A. I don't know that answer. 12:23:31</p> <p>7 Q. Okay. Do you ever recall an 12:23:32</p> <p>8 instance in which an order was identified as 12:23:36</p> <p>9 unusual but not peculiar? 12:23:38</p> <p>10 A. I can't say. I'm sorry. 12:23:39</p> <p>11 Q. Okay. Is it accurate to 12:23:43</p> <p>12 describe at least the -- well, strike that. 12:23:45</p> <p>13 Prior to the revision of the 12:23:50</p> <p>14 SOM program in 2008 that's reflected in these 12:23:55</p> <p>15 e-mails that we're going over, is it accurate 12:24:00</p> <p>16 to say that an order was first -- an 12:24:04</p> <p>17 evaluation was made first about whether or 12:24:10</p> <p>18 not an order was peculiar, separate and apart 12:24:11</p> <p>19 from an analysis of whether or not an order 12:24:14</p> <p>20 was suspicious? 12:24:15</p> <p>21 MR. O'CONNOR: Objection to 12:24:16</p> <p>22 form. 12:24:17</p> <p>23 THE WITNESS: It appeared, yes. 12:24:17</p> <p>24 That was a term that we used, yes. 12:24:21</p> <p>25</p>	<p style="text-align: right;">Page 196</p> <p>1 A. Okay. All right. Okay. Thank 12:25:35</p> <p>2 you. 12:25:35</p> <p>3 Q. -- and I'm trying to understand 12:25:35</p> <p>4 the distinctions between them. 12:25:39</p> <p>5 A. Okay. Thank you. 12:25:40</p> <p>6 Q. So with respect to 12:25:42</p> <p>7 identification of a peculiar order, you had 12:25:43</p> <p>8 previously testified that if an order met a 12:25:44</p> <p>9 certain threshold by an algorithm determined 12:25:53</p> <p>10 by Mallinckrodt, it would be deemed peculiar. 12:25:55</p> <p>11 MR. O'CONNOR: Objection to 12:25:58</p> <p>12 form. 12:25:59</p> <p>13 QUESTIONS BY MR. KO: 12:25:59</p> <p>14 Q. Correct? 12:25:59</p> <p>15 A. Correct. 12:25:59</p> <p>16 Q. And in addition to the 12:26:00</p> <p>17 algorithm triggering a peculiar order, you 12:26:03</p> <p>18 had also testified that there were other 12:26:06</p> <p>19 circumstances that may indicate an order was 12:26:08</p> <p>20 peculiar as identified by a customer service 12:26:11</p> <p>21 rep, correct? 12:26:14</p> <p>22 A. Correct. 12:26:14</p> <p>23 Q. Okay. And who other than the 12:26:15</p> <p>24 CSRs had a responsibility or an obligation to 12:26:20</p> <p>25 determine whether or not this order was 12:26:26</p>
<p style="text-align: right;">Page 195</p> <p>1 QUESTIONS BY MR. KO: 12:24:23</p> <p>2 Q. So in addition to it being a 12:24:24</p> <p>3 term that you used, is it accurate to say 12:24:26</p> <p>4 that at Mallinckrodt, before making a 12:24:28</p> <p>5 determination with respect to whether an 12:24:31</p> <p>6 order was suspicious, the existing SOM 12:24:33</p> <p>7 program at the time determined first whether 12:24:37</p> <p>8 an order was peculiar? 12:24:39</p> <p>9 A. Yes, that was the term we used, 12:24:42</p> <p>10 yes. 12:24:46</p> <p>11 Q. And then once an order was 12:24:46</p> <p>12 deemed to be peculiar, you subsequently made 12:24:48</p> <p>13 a determination of whether or not that order 12:24:50</p> <p>14 was suspicious, correct? 12:24:53</p> <p>15 A. Yes. 12:24:55</p> <p>16 Q. Okay. And you had mentioned a 12:24:56</p> <p>17 moment ago that there were other 12:25:11</p> <p>18 circumstances besides the algorithm that 12:25:14</p> <p>19 would potentially make an order peculiar. 12:25:17</p> <p>20 Do you recall that? 12:25:20</p> <p>21 A. Yes. I'm using the terms 12:25:21</p> <p>22 "peculiar," "suspicious," "unusual," 12:25:26</p> <p>23 interchangeably, yes. 12:25:31</p> <p>24 Q. Okay. Well, I would not like 12:25:32</p> <p>25 to use those words interchangeably -- 12:25:35</p>	<p style="text-align: right;">Page 197</p> <p>1 peculiar? 12:26:28</p> <p>2 MR. O'CONNOR: Objection to 12:26:28</p> <p>3 form. 12:26:29</p> <p>4 THE WITNESS: Peculiar, using 12:26:29</p> <p>5 the strictest definition of the term. 12:26:37</p> <p>6 The national account managers, if they 12:26:43</p> <p>7 saw something when they were at the 12:26:43</p> <p>8 accounts, the customer service review 12:26:43</p> <p>9 and the peculiar order algorithm 12:26:50</p> <p>10 detection, yes. 12:26:50</p> <p>11 QUESTIONS BY MR. KO: 12:26:52</p> <p>12 Q. Okay. So I'm setting aside the 12:26:52</p> <p>13 algorithm detection. 12:26:54</p> <p>14 A. Okay. 12:26:55</p> <p>15 Q. So for purposes of identifying 12:26:56</p> <p>16 an order as peculiar, do you recall any 12:26:59</p> <p>17 instances in the 2007 through 2010 time 12:27:00</p> <p>18 period in which orders were identified as 12:27:03</p> <p>19 peculiar by either a CSR or an NAM, separate 12:27:05</p> <p>20 and apart from whether or not an algorithm 12:27:10</p> <p>21 triggered the order to be peculiar? 12:27:14</p> <p>22 A. Yes. 12:27:17</p> <p>23 Q. Okay. And other than the CSRs 12:27:18</p> <p>24 and the NAMs, did anyone else have 12:27:22</p> <p>25 responsibility with respect to determining 12:27:25</p>

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1	whether or not that order was peculiar?	12:27:26	1	necessary to determine whether or not that	12:29:18
2	Separate and apart from the algorithm.	12:27:32	2	is, in fact, suspicious, correct?	12:29:21
3	A. Separate from the algorithm?	12:27:33	3	A. Correct.	12:29:22
4	So may I ask a question,	12:27:37	4	Q. So it's your testimony sitting	12:29:23
5	please?	12:27:38	5	here today that you did not always perform	12:29:27
6	Q. Sure.	12:27:38	6	due diligence on peculiar orders before	12:29:29
7	A. So there was -- we spoke	12:27:39	7	shipping them, correct?	12:29:31
8	earlier about a circumstance where a DEA	12:27:40	8	MR. O'CONNOR: Objection to	12:29:31
9	investigator contacted Mallinckrodt. It was	12:27:44	9	form.	12:29:32
10	a compounding pharmacy. So I don't know if	12:27:48	10	THE WITNESS: Correct.	12:29:32
11	that was within the same time frame.	12:27:50	11	QUESTIONS BY MR. KO:	12:29:33
12	But so my point is, peculiar	12:27:52	12	Q. Okay. Shipping of a peculiar	12:30:03
13	order information could come from an external	12:27:56	13	order without doing due diligence would seem	12:30:04
14	source, potentially.	12:27:59	14	contradictory to what Ms. Stewart is trying	12:30:06
15	Q. Okay. So other than an	12:28:00	15	to describe here, right?	12:30:10
16	external source or from some evaluation made	12:28:03	16	MR. O'CONNOR: Objection to	12:30:12
17	by a CSR or an NAM, apart from the algorithm	12:28:06	17	form.	12:30:13
18	that triggered a peculiar order, were there	12:28:11	18	THE WITNESS: Yes.	12:30:13
19	any other circumstances in which a peculiar	12:28:15	19	QUESTIONS BY MR. KO:	12:30:16
20	order was identified at Mallinckrodt?	12:28:19	20	Q. Okay. And to be clear, so the	12:30:17
21	A. No.	12:28:20	21	record is clear, she is suggesting that if an	12:30:21
22	Q. Okay. Is it your understanding	12:28:21	22	order is deemed peculiar, it should be placed	12:30:23
23	that Mallinckrodt could not ship a peculiar	12:28:30	23	on hold and the DEA compliance group will be	12:30:26
24	order without first conducting some sort of	12:28:37	24	advised.	12:30:30
25	due diligence on that order?	12:28:38	25	Do you see that?	12:30:30
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1	A. It is not.	12:28:39	1	A. I do.	12:30:31
2	MR. O'CONNOR: Objection to	12:28:39	2	Q. And in particular, Mr. Ratliff	12:30:32
3	form.	12:28:40	3	and you are the DEA compliance group as	12:30:34
4	QUESTIONS BY MR. KO:	12:28:40	4	referenced by Ms. Stewart, correct?	12:30:38
5	Q. It is not your understanding.	12:28:41	5	A. Correct.	12:30:39
6	So a peculiar order could ship	12:28:42	6	Q. And she also states that "DEA	12:30:40
7	without conducting due diligence then,	12:28:43	7	compliance will then conduct a more in-depth	12:30:44
8	correct?	12:28:45	8	investigation and determine if the situation	12:30:47
9	A. Correct.	12:28:45	9	warrants notification to the DEA."	12:30:49
10	Q. Okay. So isn't that an unusual	12:28:46	10	Do you see that?	12:30:51
11	circumstance?	12:28:55	11	A. I do see it.	12:30:52
12	MR. O'CONNOR: Objection to	12:28:55	12	Q. And so your testimony, so the	12:30:53
13	form.	12:28:57	13	record is clear, is that that more in-depth	12:30:55
14	QUESTIONS BY MR. KO:	12:28:57	14	investigation did not always occur, correct?	12:30:58
15	Q. In other words, if you're not	12:28:57	15	MR. O'CONNOR: Objection to	12:30:59
16	performing any -- earlier we made a	12:29:01	16	form.	12:31:00
17	distinction between peculiar and suspicious	12:29:03	17	THE WITNESS: There were times	12:31:00
18	orders, correct?	12:29:05	18	that we shipped an order before the	12:31:01
19	A. Correct.	12:29:05	19	review was complete, but we never	12:31:03
20	Q. And the latter is something	12:29:05	20	shipped a suspicious order.	12:31:06
21	that you ultimately have to report to the	12:29:07	21	QUESTIONS BY MR. KO:	12:31:07
22	DEA, correct?	12:29:08	22	Q. Okay. Well, separate and apart	12:31:08
23	A. Correct.	12:29:09	23	from the terminology now --	12:31:09
24	Q. And we had also discussed about	12:29:09	24	A. Okay.	12:31:10
25	how evaluation of a peculiar order is	12:29:16	25	Q. -- the process as described by	12:31:11

<p style="text-align: right;">Page 202</p> <p>1 Ms. Stewart and your testimony here today, 12:31:14</p> <p>2 after an order was deemed to be peculiar from 12:31:17</p> <p>3 a variety of means that we discussed, it was 12:31:22</p> <p>4 not always the case that the order was placed 12:31:26</p> <p>5 on hold and an in-depth investigation ensued, 12:31:30</p> <p>6 correct? 12:31:34</p> <p>7 MR. O'CONNOR: Objection to 12:31:34</p> <p>8 form. 12:31:34</p> <p>9 THE WITNESS: So the order was 12:31:34</p> <p>10 always placed on hold, but sometimes 12:31:35</p> <p>11 it was released from hold and shipped 12:31:37</p> <p>12 prior to the completion of the review. 12:31:39</p> <p>13 QUESTIONS BY MR. KO: 12:31:41</p> <p>14 Q. Okay. Now, a moment ago you 12:31:41</p> <p>15 said that you believe you never shipped a 12:32:03</p> <p>16 suspicious order, correct? 12:32:04</p> <p>17 A. Correct. 12:32:05</p> <p>18 Q. But that is just simply based 12:32:05</p> <p>19 on your understanding of whether or not that 12:32:09</p> <p>20 formal label was made by someone at 12:32:11</p> <p>21 Mallinckrodt, correct? 12:32:15</p> <p>22 MR. O'CONNOR: Objection to 12:32:17</p> <p>23 form. 12:32:18</p> <p>24 QUESTIONS BY MR. KO: 12:32:18</p> <p>25 Q. Let me ask a different way. 12:32:18</p>	<p style="text-align: right;">Page 204</p> <p>1 develop criteria for orders that deviate from 12:33:55</p> <p>2 normal ordering patterns and/or from unusual 12:33:57</p> <p>3 order frequency. Not yet sure how to capture 12:34:01</p> <p>4 this. Hope to identify an algorithm that 12:34:05</p> <p>5 will support a parsing through the data to 12:34:08</p> <p>6 identify patterns, frequency, et cetera." 12:34:10</p> <p>7 Did I read that correctly? 12:34:13</p> <p>8 A. Yes, you did. 12:34:14</p> <p>9 Q. So is it accurate to say that 12:34:15</p> <p>10 as the date of this e-mail, Mallinckrodt had 12:34:17</p> <p>11 not yet developed a criteria in its 12:34:18</p> <p>12 suspicious order monitoring system to 12:34:23</p> <p>13 identify orders that deviate from a normal 12:34:25</p> <p>14 ordering pattern? 12:34:27</p> <p>15 MR. O'CONNOR: Objection to 12:34:28</p> <p>16 form. 12:34:32</p> <p>17 THE WITNESS: Not correct. 12:34:35</p> <p>18 QUESTIONS BY MR. KO: 12:34:36</p> <p>19 Q. Okay. Is it correct to say 12:34:36</p> <p>20 that at the date of this e-mail, Mallinckrodt 12:34:37</p> <p>21 is working on revising the criteria for 12:34:39</p> <p>22 identifying orders that deviate from a normal 12:34:42</p> <p>23 ordering pattern? 12:34:44</p> <p>24 A. Yes. 12:34:44</p> <p>25 Q. And also accurate to say that 12:34:44</p>
<p style="text-align: right;">Page 203</p> <p>1 If you release an order without 12:32:20</p> <p>2 conducting an investigation or performing due 12:32:23</p> <p>3 diligence, that order could potentially be 12:32:26</p> <p>4 suspicious, could it not? 12:32:28</p> <p>5 MR. O'CONNOR: Objection to 12:32:30</p> <p>6 form. 12:32:30</p> <p>7 THE WITNESS: That's correct. 12:32:30</p> <p>8 QUESTIONS BY MR. KO: 12:32:31</p> <p>9 Q. Okay. And in particular, just 12:32:48</p> <p>10 to make sure the record is clear, if you 12:32:50</p> <p>11 release a peculiar order without conducting 12:32:53</p> <p>12 an investigation or performing due diligence, 12:32:55</p> <p>13 that peculiar order could potentially be 12:32:58</p> <p>14 suspicious, could it not? 12:33:00</p> <p>15 MR. O'CONNOR: Objection to 12:33:01</p> <p>16 form. 12:33:02</p> <p>17 THE WITNESS: It could. 12:33:02</p> <p>18 QUESTIONS BY MR. KO: 12:33:04</p> <p>19 Q. Okay. Okay. Now, if you turn 12:33:04</p> <p>20 to the second page of this e-mail -- it's 12:33:32</p> <p>21 unfortunately just a one-page document. 12:33:41</p> <p>22 A. Okay. Thank you. 12:33:42</p> <p>23 Q. And at the top, Ms. Stewart is 12:33:43</p> <p>24 indicating that "in addition to order 12:33:47</p> <p>25 quantities by product, we hope to also 12:33:52</p>	<p style="text-align: right;">Page 205</p> <p>1 at this time Mallinckrodt is revising its 12:34:46</p> <p>2 criteria for determining whether or not a 12:34:48</p> <p>3 usual -- an order that deviates from usual 12:34:53</p> <p>4 order frequency; is that correct? 12:34:56</p> <p>5 MR. O'CONNOR: Objection to 12:34:57</p> <p>6 form. 12:34:58</p> <p>7 THE WITNESS: Correct. 12:34:58</p> <p>8 QUESTIONS BY MR. KO: 12:34:58</p> <p>9 Q. And Ms. Stewart indicates that 12:34:59</p> <p>10 she's not sure how to capture this as of the 12:35:00</p> <p>11 date of this e-mail. 12:35:06</p> <p>12 Do you see that? 12:35:07</p> <p>13 A. I see that. 12:35:07</p> <p>14 Q. And so is it fair to say that 12:35:08</p> <p>15 you -- would you agree with this statement, 12:35:09</p> <p>16 that at the time you weren't sure how to 12:35:11</p> <p>17 capture this criteria in revising your SOM 12:35:12</p> <p>18 policy? 12:35:15</p> <p>19 A. We were working through the 12:35:16</p> <p>20 algorithm to understand -- there were several 12:35:18</p> <p>21 approaches to the analysis, and we had not 12:35:25</p> <p>22 settled on a specific one at this time. 12:35:28</p> <p>23 Q. Okay. And the algorithm at the 12:35:30</p> <p>24 time of the -- at the time of this e-mail, 12:35:35</p> <p>25 what was your understanding what the 12:35:36</p>

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<p>1 algorithm was? 12:35:37</p> <p>2 A. It was comparing a customer's 12:35:38</p> <p>3 order history to itself and flagging any 12:35:41</p> <p>4 order that exceeded a multiplier. 12:35:46</p> <p>5 Q. And at the time, do you recall 12:35:49</p> <p>6 what the multiplier was? 12:35:50</p> <p>7 A. I do not. 12:35:51</p> <p>8 Q. Do you recall if it was a [REDACTED] 12:35:52</p> <p>9 multiplier? 12:35:54</p> <p>10 A. I do not. 12:35:55</p> <p>11 Q. Okay. In the next paragraph, 12:35:56</p> <p>12 Ms. Stewart indicates that "the sales force 12:36:06</p> <p>13 will play a key role in this process by 12:36:07</p> <p>14 verifying the customer's physical site and 12:36:11</p> <p>15 operations ring true with the type of 12:36:14</p> <p>16 business they purport to run." 12:36:16</p> <p>17 Do you see that? 12:36:17</p> <p>18 A. I do. 12:36:17</p> <p>19 Q. Do you agree that the sales 12:36:18</p> <p>20 force would play this key role in trying to 12:36:20</p> <p>21 identify the customer's physical site and 12:36:22</p> <p>22 operations? 12:36:27</p> <p>23 A. That was a suggestion from Drug 12:36:27</p> <p>24 and Chemical Advisory Group that we did not 12:36:30</p> <p>25 implement. We used the sales force, but they 12:36:34</p>	<p>1 form. 12:37:48</p> <p>2 THE WITNESS: So again -- I'm 12:37:48</p> <p>3 sorry -- we've always had a program, 12:37:49</p> <p>4 so we were hoping to enhance it and 12:37:51</p> <p>5 introduce everyone to the enhancements 12:37:53</p> <p>6 at that time. 12:37:55</p> <p>7 QUESTIONS BY MR. KO: 12:37:55</p> <p>8 Q. Okay. And the enhanced 12:37:56</p> <p>9 version, just so the record is clear, extra 12:37:58</p> <p>10 attention to the enhanced version was given 12:38:02</p> <p>11 in early 2008, correct? 12:38:04</p> <p>12 A. Yes. 12:38:05</p> <p>13 Q. And it was your hope to roll 12:38:06</p> <p>14 out an enhanced version as quickly as 12:38:08</p> <p>15 possible; is that fair to say? 12:38:11</p> <p>16 A. Yes. 12:38:12</p> <p>17 Q. And it's important to roll out 12:38:13</p> <p>18 an enhanced SOM program because failure to do 12:38:15</p> <p>19 so would result in further diversion and 12:38:18</p> <p>20 abuse of -- potentially of Mallinckrodt 12:38:21</p> <p>21 opioids, correct? 12:38:24</p> <p>22 MR. O'CONNOR: Objection to 12:38:24</p> <p>23 form. 12:38:25</p> <p>24 THE WITNESS: So we always had 12:38:25</p> <p>25 a backbone program in place, and we 12:38:26</p>
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<p>1 did not play the key role in determining 12:36:35</p> <p>2 whether the customer was set up or not. 12:36:38</p> <p>3 Q. Okay. And to be clear, is the 12:36:40</p> <p>4 sales force discussed here and as you just 12:36:41</p> <p>5 testified to, are you talking about NAMs and 12:36:46</p> <p>6 CSRs or both? Or NAMs or CSRs or both? 12:36:48</p> <p>7 A. NAMs. 12:36:54</p> <p>8 Q. Okay. So the sales force 12:36:55</p> <p>9 described in this e-mail is just with respect 12:36:56</p> <p>10 to the national account managers, correct? 12:36:58</p> <p>11 A. Yes. 12:37:00</p> <p>12 Q. Okay. And you can set that 12:37:00</p> <p>13 aside. Thank you. 12:37:14</p> <p>14 Now, is it fair to say that in 12:37:21</p> <p>15 the early 2008 time period you were working 12:37:27</p> <p>16 on revising and revamping Mallinckrodt's SOM 12:37:28</p> <p>17 program? Is that accurate? 12:37:32</p> <p>18 A. Yes. 12:37:33</p> <p>19 MR. O'CONNOR: Objection to 12:37:33</p> <p>20 form. 12:37:34</p> <p>21 QUESTIONS BY MR. KO: 12:37:34</p> <p>22 Q. And you had hoped to roll out a 12:37:35</p> <p>23 formal SOM program at some -- as quickly as 12:37:40</p> <p>24 possible; is that fair to say? 12:37:45</p> <p>25 MR. O'CONNOR: Objection to 12:37:47</p>	<p>1 were enhancing the program. 12:38:29</p> <p>2 QUESTIONS BY MR. KO: 12:38:30</p> <p>3 Q. Did you feel that backbone SOM 12:38:32</p> <p>4 program was sufficient in terms of complying 12:38:34</p> <p>5 with your duties under the CSA? 12:38:36</p> <p>6 A. Yes. 12:38:38</p> <p>7 Q. Okay. Well, then why did you 12:38:39</p> <p>8 feel the need to enhance it? 12:38:41</p> <p>9 A. Because as time went on, we got 12:38:42</p> <p>10 further guidance from DEA. Any piece of 12:38:44</p> <p>11 information that we gleaned, we acted upon it 12:38:47</p> <p>12 immediately. And we led the industry in 12:38:51</p> <p>13 every aspect of enhancing our suspicious 12:38:53</p> <p>14 order monitoring program. 12:38:57</p> <p>15 Q. Okay. When you say you acted 12:38:57</p> <p>16 on everything "immediately," what does that 12:38:59</p> <p>17 mean? 12:39:03</p> <p>18 Did you act on advice from the 12:39:05</p> <p>19 DEA as soon as you heard it? Is that what 12:39:07</p> <p>20 your testimony is today? 12:39:12</p> <p>21 A. So immediately -- that was a 12:39:12</p> <p>22 poor choice of words. As soon as possible, 12:39:16</p> <p>23 yes. 12:39:18</p> <p>24 Q. Okay. And what does "as soon 12:39:19</p> <p>25 as possible" mean to you? 12:39:21</p>

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1	MR. O'CONNOR: Objection to 12:39:21	1	of this meeting in the first sentence 12:41:25
2	form. 12:39:22	2	underneath agenda, it states that "The 12:41:27
3	THE WITNESS: Depending upon 12:39:22	3	purpose of the meeting" -- and these calls -- 12:41:33
4	varying amounts of time, depending how 12:39:24	4	"was to share information between sites and 12:41:37
5	long it would have taken to implement 12:39:27	5	to help each other gain a broader knowledge 12:41:39
6	the suggestion from DEA. 12:39:28	6	of the supply chain process." 12:41:41
7	QUESTIONS BY MR. KO: 12:39:29	7	Did I read that correctly? 12:41:43
8	Q. Okay. Was it your goal at the 12:39:30	8	A. Yes. 12:41:44
9	time that you were trying to enhance your SOM 12:39:32	9	Q. And so there were frequent 12:41:44
10	program in early 2008 to make revisions and 12:39:35	10	calls at the time to try and better 12:41:45
11	roll out a formal enhanced policy as quickly 12:39:38	11	understand and gain knowledge of the supply 12:41:47
12	as possible? 12:39:40	12	chain process? 12:41:51
13	A. Yes. 12:39:42	13	A. Yes. 12:41:51
14	Q. Okay. And when would you say 12:39:43	14	Q. Okay. And I just actually want 12:41:51
15	you actually rolled out a formal SOM policy 12:39:46	15	to turn to your portion of the 12:41:55
16	that satisfied you, as someone who was in 12:39:49	16	presentation -- or the notes that capture 12:41:59
17	charge of overseeing the SOM program? 12:39:53	17	your presentation, which is at the bottom of 12:42:00
18	MR. O'CONNOR: Objection to 12:39:54	18	page 2. 12:42:05
19	form. 12:39:56	19	Do you see where it says, 12:42:07
20	THE WITNESS: So the existing 12:39:56	20	"Karen gave a brief update on Covidien's 12:42:08
21	policy always satisfied me, but we 12:39:58	21	efforts"? 12:42:11
22	continued to work on enhancing our 12:40:00	22	A. I do see that. 12:42:12
23	policies. 12:40:02	23	Q. And by the way, Covidien is -- 12:42:12
24	QUESTIONS BY MR. KO: 12:40:02	24	was your -- was the actual -- was the former 12:42:15
25	Q. Okay. And with respect to 12:40:03	25	employer -- was your former employer? 12:42:19
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1	enhancing it in particular as we discussed in 12:40:07	1	A. Right. Our company has changed 12:42:22
2	early 2008, when would you say that process 12:40:10	2	corporate structure and ownership, yes. 12:42:25
3	was actually complete? 12:40:13	3	Q. Thank you. 12:42:26
4	A. I can't answer that because 12:40:14	4	A. Yes. 12:42:26
5	enhancements are always ongoing. They're 12:40:18	5	Q. You put it more artfully than 12:42:27
6	ongoing up to today. So there's no start and 12:40:21	6	me. 12:42:28
7	stop time to the enhancements. 12:40:24	7	Covidien, at the time of 12:42:28
8	(Mallinckrodt-Harper Exhibit 6 12:40:27	8	2000 -- 2008, Mallinckrodt was essentially 12:42:33
9	marked for identification.) 12:40:27	9	Covidien. And so for purposes of this 12:42:35
10	QUESTIONS BY MR. KO: 12:40:27	10	deposition, when I refer to Covidien, it's 12:42:37
11	Q. Fair enough. 12:40:28	11	synonymous with Mallinckrodt; is that fair? 12:42:40
12	I'm going to hand you a copy of 12:40:28	12	A. That's fair. 12:42:43
13	what will be marked as Harper Exhibit 6. 12:40:30	13	Q. Okay. And you give a general 12:42:44
14	And for the record, this is -- 12:40:41	14	overview of the SOM program, and you say that 12:42:50
15	ends in Bates stamp 387983. 12:40:42	15	your efforts are ongoing to, quote, "Improve 12:42:57
16	Ms. Harper, this appears to be 12:41:00	16	our current suspicious order monitoring 12:43:01
17	a June 17, 2008, DEA compliance all site 12:41:01	17	system in light of recent DEA actions with 12:43:05
18	conference call with notes attached to it. 12:41:06	18	other registrants regarding this law." 12:43:08
19	Is that accurate -- an accurate 12:41:09	19	Did I read that correctly? 12:43:10
20	description of the document? 12:41:13	20	A. Can you point that out to me, 12:43:10
21	A. Yes. 12:41:14	21	please, the sentence? 12:43:13
22	Q. And you were present at this 12:41:14	22	Q. Sure. I just highlighted it. 12:43:13
23	meeting? You're listed as an attendee? 12:41:15	23	It's at the top -- it's the first sentence 12:43:17
24	A. Yes. 12:41:17	24	underneath your portion of the presentation. 12:43:18
25	Q. And it appears that the purpose 12:41:17	25	A. So I see that that is what it 12:43:20

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1	reads, but I don't know that I published	12:43:24	1	program?	12:45:04
2	these notes or if Ms. Woznick was	12:43:26	2	A. I believe so, yes.	12:45:04
3	interpreting the discussion and documenting	12:43:32	3	Q. Okay. And then at other	12:45:07
4	it --	12:43:33	4	times -- I believe the name you referenced	12:45:14
5	Q. Fair enough.	12:43:35	5	before was Todd?	12:45:15
6	A. -- as she saw fit.	12:43:35	6	I'm sorry, who --	12:45:17
7	Q. Fair enough.	12:43:37	7	MR. O'CONNOR: Objection to	12:45:18
8	Would you agree with me that	12:43:37	8	form.	12:45:18
9	one of the reasons why you were seeking to	12:43:38	9	QUESTIONS BY MR. KO:	12:45:18
10	improve Mallinckrodt's SOM system was in	12:43:41	10	Q. Who did you report to after	12:45:19
11	light of recent DEA actions at the time?	12:43:45	11	JoAnne Levy?	12:45:21
12	A. Yes.	12:43:48	12	A. Tom Berry.	12:45:21
13	Q. Okay. And the persons	12:43:51	13	Q. Tom Berry. Thank you.	12:45:22
14	responsible on the bottom right-hand corner	12:43:56	14	A. Yeah.	12:45:24
15	are listed as you and Eileen Spaulding.	12:44:03	15	Q. So Mr. Berry, would you agree	12:45:24
16	Do you see that?	12:44:06	16	that after -- once you began reporting to	12:45:26
17	A. I do.	12:44:06	17	Mr. Berry, would you say that Mr. Berry was	12:45:31
18	Q. And so is it fair to say that	12:44:07	18	the team leader for the SOM team?	12:45:34
19	based on this document, you and Eileen are	12:44:07	19	A. No.	12:45:36
20	the people responsible for implementing an	12:44:11	20	Q. Okay. At the time that you	12:45:36
21	improved SOM program at Mallinckrodt at this	12:44:15	21	reported to Mr. Berry, would you say that you	12:45:37
22	time?	12:44:17	22	were the team leader of the SOM team?	12:45:39
23	MR. O'CONNOR: Objection.	12:44:17	23	A. So I'm sorry to repeat, but	12:45:41
24	Form.	12:44:18	24	there was no designated leader except in the	12:45:47
25	THE WITNESS: So not in	12:44:19	25	case of JoAnne Levy, who was the senior	12:45:49
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1	isolation. We were members of the	12:44:20	1	official. Tom Berry was not as actively	12:45:52
2	team, and we were the representatives	12:44:21	2	involved in the team because he was new to	12:45:55
3	of the DEA compliance group on the	12:44:22	3	the controlled substances business, and so I	12:45:58
4	team, but there were others on the	12:44:25	4	would not state anyone's name specifically	12:46:01
5	team.	12:44:26	5	during this time period as the leader.	12:46:03
6	QUESTIONS BY MR. KO:	12:44:26	6	Q. Separate and apart of whether	12:46:04
7	Q. Okay. But you guys were -- is	12:44:26	7	or not there was an official designation, did	12:46:11
8	it fair to say that you were the team leaders	12:44:30	8	you consider yourself, along with Eileen	12:46:13
9	of the SOM team, or do you disclaim that	12:44:31	9	Spaulding, to the team leader of implementing	12:46:18
10	responsibility?	12:44:34	10	an improved SOM program during the 2008 time	12:46:20
11	A. I --	12:44:34	11	period?	12:46:23
12	MR. O'CONNOR: Objection to	12:44:34	12	A. Yes. I would consider it	12:46:23
13	form.	12:44:35	13	controlled substances compliance	12:46:25
14	THE WITNESS: The leader of the	12:44:35	14	responsibility, and I was the leader of that	12:46:26
15	team was always the most senior	12:44:43	15	group at that time, yes.	12:46:28
16	official, so in one case it was JoAnne	12:44:44	16	Q. Okay. You thank.	12:46:29
17	Levy. So I was a key contributor to	12:44:47	17	And this document indicates a	12:46:31
18	the team, as was Eileen, but I don't	12:44:50	18	deadline. Do you see that?	12:46:36
19	know that I was ever designated as the	12:44:52	19	A. I do see it.	12:46:37
20	team leader.	12:44:53	20	Q. And the deadline, according to	12:46:43
21	QUESTIONS BY MR. KO:	12:44:54	21	this document, is fourth quarter 2008 fiscal	12:46:46
22	Q. Okay. So is it your testimony	12:44:54	22	year?	12:46:50
23	that you believe, as least as of the time	12:44:56	23	A. Yes.	12:46:50
24	that JoAnne Levy was your direct report, that	12:44:58	24	Q. By the way, what was	12:46:50
25	she was the team leader of the SOM policy and	12:45:02	25	Mallinckrodt's fiscal year?	12:46:52

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1 A. At that time it ended in 12:46:53
 2 October -- September. 12:46:57
 3 Q. September. Okay. 12:46:58
 4 So it was at least as of the 12:47:02
 5 date of this call and the notes that were 12:47:05
 6 drafted pursuant to this call that an 12:47:10
 7 improved SOM program would be complete no 12:47:15
 8 later than October of 2008? 12:47:18
 9 MR. O'CONNOR: Objection to 12:47:19
 10 form. 12:47:19
 11 THE WITNESS: No, sir. 12:47:19
 12 QUESTIONS BY MR. KO: 12:47:20
 13 Q. Is that accurate or is that -- 12:47:21
 14 A. No. 12:47:21
 15 Q. That's incorrect? 12:47:22
 16 A. That's incorrect. 12:47:23
 17 Q. Okay. So what is this deadline 12:47:24
 18 referring to? 12:47:25
 19 A. The update that would be 12:47:26
 20 provided on the next team call. 12:47:27
 21 Q. Okay. So it wasn't necessarily 12:47:29
 22 your goal to complete the SOM revisions by 12:47:31
 23 fourth quarter of 2008? 12:47:35
 24 A. No. 12:47:36
 25 Q. Okay. Did you have a -- did 12:47:36

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1 you have a firm goal at any point in time 12:47:41
 2 other than trying to effectuate an improved 12:47:43
 3 SOM program as soon as possible? 12:47:46
 4 A. No. 12:47:47
 5 Q. Okay. By the way, turning back 12:47:48
 6 to the first page, there are a list of 12:47:54
 7 attendees. 12:48:00
 8 Are all those people folks on 12:48:02
 9 the DEA/controlled substance compliance team? 12:48:06
 10 A. No. 12:48:10
 11 Q. Okay. Which individuals were 12:48:11
 12 not on the DEA compliance team? 12:48:13
 13 A. Joe Ruffino. 12:48:15
 14 Q. Okay. 12:48:23
 15 A. And I can't be certain about 12:48:23
 16 Patti Woznick. So Patti and Joe were in 12:48:27
 17 purchasing, and dotted line, Hobart 12:48:30
 18 compliance reported to Patti for a while, and 12:48:34
 19 then they came into part of this 12:48:37
 20 synchronized, coordinated group. So Patti 12:48:42
 21 may or may not have been part of the team at 12:48:45
 22 the time. 12:48:48
 23 Q. Okay. So other than Joe and 12:48:48
 24 potentially Patti, everyone else was a member 12:48:50
 25 of the DEA compliance team? 12:48:52

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1 A. Yes. Well, we reported to 12:48:53
 2 JoAnne Levy, yes. 12:48:55
 3 MR. KO: Okay. And with that, 12:48:59
 4 I think we can break for lunch. 12:49:00
 5 THE WITNESS: Okay. 12:49:02
 6 VIDEOGRAPHER: We are going off 12:49:02
 7 the record at 12:49 p.m. 12:49:03
 8 (Off the record at 12:49 p.m.) 12:49:04
 9 (Mallinckrodt-Harper Exhibit 7 13:37:59
 10 marked for identification.) 13:36:59
 11 VIDEOGRAPHER: We are back on 13:36:59
 12 the record at 1:37 p.m. 13:37:01
 13 QUESTIONS BY MR. KO: 13:37:02
 14 Q. Welcome back from lunch, 13:37:03
 15 Ms. Harper. 13:37:06
 16 A. Thank you. 13:37:07
 17 Q. I appreciate your patience to 13:37:07
 18 stay. We've got a few more hours to go. 13:37:09
 19 I've handed you a copy of 13:37:12
 20 what's been marked as Harper Exhibit 7. 13:37:14
 21 And for the record, this 13:37:16
 22 document ends in Bates 274572. 13:37:17
 23 And this is a July 29, 2008, 13:37:21
 24 e-mail from you to Mr. Ratliff; is that 13:37:25
 25 correct? 13:37:27

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1 A. Yes. 13:37:27
 2 Q. And this appears to be another 13:37:27
 3 monthly report as of July 2008 that you are 13:37:29
 4 sending on that we discussed previously 13:37:32
 5 today? 13:37:35
 6 A. Correct. 13:37:35
 7 Q. In terms of we had discussed 13:37:36
 8 the fact that you had sent monthly reports to 13:37:38
 9 Mr. Ratliff. 13:37:42
 10 And I just wanted to ask a few 13:37:43
 11 questions on this document. 13:37:45
 12 It appears here on the third 13:37:46
 13 section down that you are working on a draft 13:37:48
 14 of the SOM policy, and you indicate that 13:37:56
 15 hopefully the final draft is close to 13:38:02
 16 publication. 13:38:04
 17 Do you see that? 13:38:05
 18 A. I do see it. 13:38:05
 19 Q. Is it accurate to say as of 13:38:06
 20 July 29, 2008, you're working on a final 13:38:07
 21 revised draft of the SOM policy? 13:38:10
 22 A. Yes, as it stood at the time, 13:38:14
 23 yes. 13:38:16
 24 Q. And then you're awaiting 13:38:16
 25 feedback from Ms. Stewart? 13:38:18

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1	A. Yes. 13:38:19	1	Mallinckrodt to begin with. 13:40:20
2	Q. And that you are hoping to 13:38:19	2	So then in that circumstance, 13:40:21
3	train and implement the revised SOM program 13:38:26	3	the distributor applies back to Mallinckrodt 13:40:23
4	in August, later that summer, correct? 13:38:28	4	to made whole -- to be made whole for that 13:40:25
5	A. Yes. 13:38:30	5	differential. So I'd like to point out that 13:40:28
6	Q. Okay. So at this point it's 13:38:31	6	all transactions are not subject to 13:40:32
7	still a work in progress, the revised SOM 13:38:32	7	chargebacks, and chargebacks are after the 13:40:34
8	program, correct? 13:38:35	8	fact, retrospective information. 13:40:36
9	MR. O'CONNOR: Objection to 13:38:36	9	Q. And when you say "all 13:40:39
10	form. 13:38:36	10	transactions are not subject to chargebacks," 13:40:41
11	THE WITNESS: Yes. Yes. 13:38:36	11	what you mean by that, if I understand you 13:40:44
12	QUESTIONS BY MR. KO: 13:38:38	12	correctly, is that, you know, chargeback only 13:40:47
13	Q. And at the bottom of this 13:38:38	13	occurs if a distributor or customer of 13:40:49
14	e-mail, there's another reference to 13:38:44	14	Mallinckrodt makes such a request to 13:40:50
15	IntegriChain. I don't want to ask you any 13:38:45	15	Mallinckrodt, correct? 13:40:52
16	questions about that. We've talked about 13:38:49	16	A. Correct. 13:40:53
17	that. 13:38:50	17	Q. Pursuant to the terms of the 13:40:53
18	But you also discuss in this 13:38:50	18	agreement between the distributor and 13:40:56
19	e-mail how, quote, "How review of 13:38:53	19	Mallinckrodt, correct? 13:40:58
20	Mallinckrodt chargebacks could be used to 13:38:55	20	A. That's correct. 13:40:58
21	help our customers monitor their customers," 13:38:57	21	Q. Okay. And separate and apart 13:40:59
22	end quote. 13:39:01	22	from whether or not all information, as you 13:41:01
23	Did I read that correctly? 13:39:01	23	describe, is contained in the chargeback 13:41:05
24	A. Yes. 13:39:02	24	information -- or chargeback data, for lack 13:41:07
25	Q. So fair -- well, as of the date 13:39:02	25	of a better term, was there also a certain 13:41:09
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1	of this e-mail, is it fair to say that you 13:39:06	1	point in time where you expanded the 13:41:12
2	were considering how to utilize chargeback 13:39:10	2	examination of, quote/unquote, downstream 13:41:17
3	information to understand how to help 13:39:12	3	data? 13:41:22
4	customers monitor their customers? 13:39:16	4	MR. O'CONNOR: Object to form. 13:41:22
5	A. Yes, that's correct. 13:39:18	5	QUESTIONS BY MR. KO: 13:41:23
6	Q. Okay. You can set that aside. 13:39:19	6	Q. Let me strike that. 13:41:24
7	And was one reason to utilize 13:39:22	7	In addition to chargeback data 13:41:24
8	chargeback information -- or strike that. 13:39:39	8	as you described, were there any other 13:41:26
9	What is your understanding of 13:39:41	9	sources of information that you asked to be 13:41:28
10	chargeback -- chargeback data, separate and 13:39:43	10	pulled for purposes of understanding the 13:41:32
11	apart from what's included in that? 13:39:47	11	obligation to monitor customers' customers? 13:41:36
12	A. Like currently my -- 13:39:48	12	A. I -- not as you state the 13:41:38
13	Q. Yeah. What's your 13:39:50	13	question, I'm not aware. 13:41:41
14	understanding of what chargeback data 13:39:51	14	(Mallinckrodt-Harper Exhibit 9 13:41:44
15	consists of. 13:39:54	15	marked for identification.) 13:41:44
16	A. Certainly. 13:39:54	16	QUESTIONS BY MR. KO: 13:41:44
17	We sell to wholesalers and 13:39:55	17	Q. Okay. I'm going to hand you a 13:41:44
18	distributors at a certain price, and there 13:39:56	18	copy -- going back to your description of 13:41:46
19	are wholesaler/distributor customers, their 13:40:01	19	chargebacks, I'm going to hand you a copy of 13:41:48
20	customers, who have negotiated discounts 13:40:04	20	what will be marked as -- I hate to go out of 13:41:50
21	through purchasing co-ops, et cetera. 13:40:07	21	order because I already premarked something, 13:41:52
22	And so they then purchase from 13:40:10	22	but this is going to be Harper Exhibit 9. 13:41:54
23	our distributors. The downstream registrants 13:40:12	23	And for the record, this is a 13:41:57
24	purchase from our distributor at a lesser 13:40:14	24	copy of your deposition transcript that you 13:41:59
25	price than the distributor has paid 13:40:19	25	sat for in connection with the Island Drug 13:42:04

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<p>1 matter that we were discussing earlier today. 13:42:09</p> <p>2 Do you recall sitting for that 13:42:12</p> <p>3 deposition? 13:42:12</p> <p>4 A. Yes. 13:42:13</p> <p>5 Q. And Island Drug was a pharmacy 13:42:13</p> <p>6 that actually one of your distributors 13:42:15</p> <p>7 shipped to, correct? 13:42:17</p> <p>8 A. May I have a minute to 13:42:18</p> <p>9 refamiliarize myself with the document? Is 13:42:27</p> <p>10 that all right? 13:42:30</p> <p>11 Q. Actually, I just want to -- is 13:42:31</p> <p>12 it for purposes of answering my question? 13:42:31</p> <p>13 A. Yes, sir. 13:42:32</p> <p>14 Q. You don't need to answer that. 13:42:33</p> <p>15 I just actually want to turn your attention 13:42:34</p> <p>16 to page 12. I'm sorry, page 11. 13:42:36</p> <p>17 And so in connection with this 13:42:54</p> <p>18 deposition testimony, do you see the question 13:43:05</p> <p>19 that's asked: "And what is a chargeback 13:43:08</p> <p>20 system, if you'll define that, please?" 13:43:12</p> <p>21 Do you mind reading your 13:43:14</p> <p>22 response to that question in the record? 13:43:15</p> <p>23 A. I don't mind. 13:43:17</p> <p>24 Q. Okay. Thank you. 13:43:19</p> <p>25 A. "Mallinckrodt sells controlled 13:43:20</p>	<p>1 Q. Okay. So for purposes of this 13:44:25</p> <p>2 deposition, is it true that provided there 13:44:29</p> <p>3 was a chargeback request, Mallinckrodt would 13:44:31</p> <p>4 know exactly which pharmacy the drugs were 13:44:35</p> <p>5 sold to? 13:44:37</p> <p>6 A. Yes. 13:44:38</p> <p>7 Q. And provided that there was a 13:44:39</p> <p>8 chargeback request, Mallinckrodt would know 13:44:41</p> <p>9 what the DEA registration number of the 13:44:43</p> <p>10 downstream entity is, correct? 13:44:46</p> <p>11 A. Yes. 13:44:47</p> <p>12 Q. And Mallinckrodt would also 13:44:48</p> <p>13 know exactly which pharmacy address its pills 13:44:50</p> <p>14 were being shipped to, correct? 13:44:54</p> <p>15 A. Correct. 13:44:55</p> <p>16 Q. And Mallinckrodt would also 13:44:56</p> <p>17 understand the quantity of pills being 13:44:58</p> <p>18 shipped to that particular -- particular 13:44:59</p> <p>19 pharmacy or clinic, correct? 13:45:02</p> <p>20 MR. O'CONNOR: Objection to 13:45:03</p> <p>21 form. 13:45:04</p> <p>22 THE WITNESS: That's correct. 13:45:04</p> <p>23 QUESTIONS BY MR. KO: 13:45:04</p> <p>24 Q. And Mallinckrodt would know 13:45:05</p> <p>25 exactly which drugs they have sold to that 13:45:06</p>
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<p>1 substances to wholesalers at a standard 13:43:22</p> <p>2 price. Some pharmacies negotiate a 13:43:24</p> <p>3 discounted price. When the wholesaler honors 13:43:27</p> <p>4 the discounted price to the pharmacy, they 13:43:30</p> <p>5 then submit a chargeback request 13:43:32</p> <p>6 retroactively to Mallinckrodt so that they 13:43:35</p> <p>7 can be made financially whole for the 13:43:39</p> <p>8 difference in price." 13:43:41</p> <p>9 Is that enough or shall I go 13:43:44</p> <p>10 on? 13:43:46</p> <p>11 Q. Can you please continue? 13:43:46</p> <p>12 A. Certainly. 13:43:47</p> <p>13 "In doing so, the wholesaler 13:43:48</p> <p>14 tells Mallinckrodt exactly which pharmacy to 13:43:51</p> <p>15 which the drugs were sold, what the DEA 13:43:53</p> <p>16 registration number is, the pharmacy address, 13:43:55</p> <p>17 the quantity, and which drugs they have sold 13:43:58</p> <p>18 to that pharmacy." 13:44:01</p> <p>19 Q. Okay. And as you sit here 13:44:04</p> <p>20 today, is that still an accurate description 13:44:06</p> <p>21 of how you understand the chargeback system? 13:44:11</p> <p>22 A. The only thing I would amend, 13:44:13</p> <p>23 if possible, is to qualify that and say -- so 13:44:16</p> <p>24 provided there was a chargeback transaction, 13:44:22</p> <p>25 this is still the case, yes. 13:44:24</p>	<p>1 particular pharmacy, correct? 13:45:08</p> <p>2 A. Correct. 13:45:09</p> <p>3 Q. And I want to focus on your 13:45:11</p> <p>4 qualification when you say you -- this would 13:45:15</p> <p>5 only be the case if Mallinckrodt obtained a 13:45:19</p> <p>6 chargeback request. 13:45:22</p> <p>7 First of all, wasn't it the 13:45:22</p> <p>8 case that a chargeback request -- it was 13:45:25</p> <p>9 certainly uncommon if a chargeback request 13:45:28</p> <p>10 did not occur, correct? 13:45:30</p> <p>11 MR. O'CONNOR: Objection to 13:45:32</p> <p>12 form. 13:45:33</p> <p>13 THE WITNESS: Yes. 13:45:33</p> <p>14 QUESTIONS BY MR. KO: 13:45:36</p> <p>15 Q. In most instances, Mallinckrodt 13:45:37</p> <p>16 and you expected a chargeback request to be 13:45:40</p> <p>17 made by a distributor, correct? 13:45:43</p> <p>18 A. Yes. 13:45:45</p> <p>19 Q. And move -- and putting aside 13:45:46</p> <p>20 whether or not a chargeback was paid, does 13:45:52</p> <p>21 the chargeback data track all downstream 13:45:56</p> <p>22 customer sales? 13:45:58</p> <p>23 MR. O'CONNOR: Objection to 13:46:00</p> <p>24 form. 13:46:01</p> <p>25 THE WITNESS: "Downstream 13:46:01</p>

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1 customers" meaning the pharmacy? 13:46:04

2 QUESTIONS BY MR. KO: 13:46:05

3 Q. Yes. 13:46:06

4 A. Their sales? 13:46:06

5 Q. The sales made to the 13:46:07

6 pharmacies by the distributors. 13:46:10

7 A. For Mallinckrodt product, yes. 13:46:12

8 Q. Okay. So just so the record is 13:46:15

9 clear, the chargeback data would include all 13:46:17

10 downstream customer sales made by a 13:46:21

11 distributor to a pharmacy or clinic, correct? 13:46:24

12 A. Correct. 13:46:27

13 Q. Okay. And so you can set this 13:46:28

14 one aside. 13:46:37

15 (Mallinckrodt-Harper Exhibit 8 13:46:53

16 marked for identification.) 13:46:53

17 QUESTIONS BY MR. KO: 13:46:53

18 Q. I'm now going to go back in 13:46:46

19 time -- or back in order and hand you a copy 13:46:47

20 of what's going to be marked -- or what has 13:46:49

21 been marked as Harper Exhibit 4 -- or 8, 13:46:50

22 excuse me. 13:46:52

23 And this is a -- for the 13:46:56

24 record, this document ends in Bates 419810, 13:47:00

25 and this is a December 14, 2007, e-mail from 13:47:06

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1 you to Ms. Levy. 13:47:10

2 Is that correct? 13:47:12

3 A. Yes. 13:47:12

4 Q. And going down to the bottom of 13:47:15

5 this page, you indicate that you are 13:47:23

6 receiving -- you have received the attached 13:47:29

7 memo as part of a training at a recent 13:47:33

8 seminar. 13:47:35

9 Do you see that? 13:47:35

10 A. Yes. 13:47:36

11 Q. And the memo is what's 13:47:36

12 contained in this attachment, and it's one of 13:47:38

13 the DEA guidance letters that we referred to 13:47:40

14 earlier today; is that correct? 13:47:42

15 A. Yes. 13:47:43

16 Q. And would it also be fair to 13:47:44

17 say that this is one of the Rannazzisi 13:47:46

18 letters that we referred to? Correct? 13:47:48

19 A. Yes. 13:47:50

20 Q. So as of December 5, 2007, or 13:47:53

21 no later than December 5, 2007, you were in 13:47:58

22 possession of one of the Rannazzisi letters 13:48:01

23 dated December -- September 27, 2006, 13:48:04

24 correct? 13:48:08

25 A. Yes. 13:48:08

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1 Q. Okay. And you indicate that it 13:48:10

2 gives specific guidance on suspicious order 13:48:16

3 monitoring. 13:48:20

4 Do you see that? 13:48:20

5 A. Yes, I do see it. 13:48:21

6 Q. And so is it fair to say that 13:48:23

7 you in fact believe it to be the case that 13:48:26

8 this letter was instructive on your 13:48:27

9 obligations to design and implement a 13:48:31

10 suspicious order monitoring system? 13:48:34

11 A. It was instructive in terms of 13:48:35

12 guidance. 13:48:38

13 Q. Okay. 13:48:39

14 A. Yes. 13:48:39

15 Q. And you also ask -- or you 13:48:40

16 don't -- you don't ask anything, but Jim 13:48:45

17 Rausch responds to your e-mail. 13:48:47

18 Do you see that? 13:48:48

19 A. Yes, I do. 13:48:49

20 Q. And he indicates that "We," 13:48:51

21 being Mallinckrodt, "send a suspicious order 13:48:55

22 report to the DEA monthly." 13:48:57

23 Correct? 13:48:59

24 A. Correct. 13:48:59

25 Q. Did you ever review any of 13:49:00

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1 those reports prior to the time of this 13:49:02

2 e-mail? 13:49:07

3 A. I'm not certain. 13:49:07

4 Q. Okay. Generally speaking, was 13:49:12

5 it Mr. Rausch's responsibility to send these 13:49:13

6 reports to the DEA monthly? 13:49:14

7 A. Yes. 13:49:15

8 Q. Okay. And do you have an 13:49:16

9 understanding of -- well, earlier we were 13:49:19

10 talking about the distinction between 13:49:22

11 peculiar and suspicious orders. 13:49:24

12 Do you recall that? 13:49:25

13 A. Yes. 13:49:25

14 Q. Is it your understanding that 13:49:26

15 these monthly reports being sent by 13:49:27

16 Mr. Rausch were a compilation of the peculiar 13:49:31

17 orders that Mallinckrodt had identified? 13:49:34

18 A. Yes. 13:49:36

19 Q. Okay. So in other words, it 13:49:38

20 wasn't necessarily the case that they were -- 13:49:40

21 that Mallinckrodt was sending any 13:49:42

22 notification of suspicious orders to DEA, 13:49:44

23 correct? 13:49:46

24 A. Correct. 13:49:46

25 Q. It was just simply a monthly 13:49:47

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<p>1 report that contained all the peculiar orders 13:49:49</p> <p>2 that Mallinckrodt had identified, right? 13:49:51</p> <p>3 A. Correct. 13:49:53</p> <p>4 Q. Okay. And do you recall -- I 13:49:54</p> <p>5 know I've asked this question in another form 13:50:08</p> <p>6 or in a different way, but do you recall 13:50:11</p> <p>7 prior to December 5, 2007, whether or not 13:50:13</p> <p>8 Mallinckrodt had ever identified a suspicious 13:50:16</p> <p>9 order to the DEA? 13:50:18</p> <p>10 A. Yes, I do recall. 13:50:20</p> <p>11 Q. You do recall instances in 13:50:22</p> <p>12 which Mallinckrodt identified a suspicious 13:50:24</p> <p>13 order to the DEA? 13:50:26</p> <p>14 A. Yes. 13:50:26</p> <p>15 Q. Okay. And when did that occur? 13:50:27</p> <p>16 A. So there was the case we talked 13:50:28</p> <p>17 about with the compounding pharmacy. 13:50:31</p> <p>18 Q. Okay. 13:50:34</p> <p>19 A. And there were several others, 13:50:35</p> <p>20 but I don't recall the particulars of those 13:50:38</p> <p>21 reports. 13:50:40</p> <p>22 Q. Fair enough. 13:50:41</p> <p>23 So you do recall some instances 13:50:41</p> <p>24 in which suspicious orders were reported to 13:50:45</p> <p>25 Mallinckrodt prior to December 14, 2007? 13:50:48</p>	<p>1 sending reports as well, but the confirmed 13:51:41</p> <p>2 suspicious orders to DEA were ten or less. 13:51:45</p> <p>3 Q. Right. 13:51:46</p> <p>4 And as we discussed, the 13:51:47</p> <p>5 report -- the monthly reports were just the 13:51:49</p> <p>6 peculiar orders that Mallinckrodt had 13:51:50</p> <p>7 identified, correct? 13:51:52</p> <p>8 A. Correct. 13:51:52</p> <p>9 Q. And not necessarily any -- or 13:51:53</p> <p>10 not any suspicious orders, correct? 13:51:55</p> <p>11 A. Correct. 13:51:57</p> <p>12 Q. Okay. By the way, there's 13:51:58</p> <p>13 reference made to someone by the name of Sean 13:52:07</p> <p>14 Welch. 13:52:10</p> <p>15 Do you see that? 13:52:10</p> <p>16 A. Yes. 13:52:11</p> <p>17 Q. Who is he? 13:52:12</p> <p>18 A. He was a co-manager of customer 13:52:13</p> <p>19 service at that time. I believe Jim Rausch 13:52:19</p> <p>20 may have reported to him. 13:52:22</p> <p>21 Q. Okay. Was he involved on the 13:52:25</p> <p>22 SOM team as well? 13:52:27</p> <p>23 A. Only in terms of being kept 13:52:28</p> <p>24 informed of our activity. 13:52:36</p> <p>25 Q. So he didn't have any 13:52:37</p>
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<p>1 A. Reported to the DEA? 13:50:52</p> <p>2 Q. Yes. 13:50:53</p> <p>3 A. Yes, sir. 13:50:54</p> <p>4 Q. Okay. And approximately -- I 13:50:54</p> <p>5 know you've -- you don't know the exact 13:50:58</p> <p>6 amount, but you've given some examples. 13:51:00</p> <p>7 Do you know whether or not it 13:51:02</p> <p>8 was -- there were 10 instances or 50 13:51:04</p> <p>9 instances? 13:51:06</p> <p>10 Do you know approximately how 13:51:07</p> <p>11 many suspicious orders Mallinckrodt reported 13:51:08</p> <p>12 to the DEA? 13:51:09</p> <p>13 A. I will approximate it to be ten 13:51:10</p> <p>14 or less. 13:51:15</p> <p>15 Q. Okay. So in the entire time 13:51:16</p> <p>16 that you were a part of the DEA compliance 13:51:17</p> <p>17 team, you recall ten orders being 13:51:21</p> <p>18 identified -- approximately ten orders being 13:51:24</p> <p>19 identified as suspicious to the DEA? 13:51:25</p> <p>20 MR. O'CONNOR: Objection to 13:51:27</p> <p>21 form. 13:51:27</p> <p>22 THE WITNESS: Prior to this? 13:51:27</p> <p>23 QUESTIONS BY MR. KO: 13:51:36</p> <p>24 Q. Right. 13:51:36</p> <p>25 A. Yes. Re -- but -- Rausch was 13:51:37</p>	<p>1 day-to-day responsibility with respect to the 13:52:44</p> <p>2 SOM program? 13:52:48</p> <p>3 A. He did not. 13:52:49</p> <p>4 Q. Okay. And you also indicate, 13:52:49</p> <p>5 going back to the bottom e-mail from you to 13:52:51</p> <p>6 Jim and Sean, you say that you received the 13:52:53</p> <p>7 attached memo as part of a training at a 13:52:56</p> <p>8 recent seminar. 13:52:58</p> <p>9 Do you recall which seminar 13:52:59</p> <p>10 this was? 13:53:00</p> <p>11 A. Yes, it was the Buzzeo. 13:53:00</p> <p>12 Q. Okay. So the 2007 Buzzeo 13:53:02</p> <p>13 conference, correct? 13:53:05</p> <p>14 We'll just -- assuming -- I 13:53:08</p> <p>15 mean, the e-mail is dated -- 13:53:10</p> <p>16 A. Yes, yes, yes. 13:53:11</p> <p>17 Q. -- December 5th. 13:53:11</p> <p>18 A. Because it says "recent," yes. 13:53:12</p> <p>19 Q. Right. 13:53:15</p> <p>20 A. Yes, sir. 13:53:15</p> <p>21 Q. And the Buzzeo conference was 13:53:15</p> <p>22 an annual occurrence, generally speaking, in 13:53:16</p> <p>23 the fall of each year, correct? 13:53:19</p> <p>24 A. Yes. 13:53:20</p> <p>25 Q. Okay. So was it the case 13:53:21</p>

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<p>1 that -- well, did you ever receive this 13:53:24</p> <p>2 correspondence from Mr. Rannazzisi prior to 13:53:27</p> <p>3 the 2007 Buzzeeo conference? 13:53:31</p> <p>4 A. No. 13:53:34</p> <p>5 Q. Okay. In going back to the ten 13:53:35</p> <p>6 instances in which you recall in which a 13:53:46</p> <p>7 suspicious order was identified, certainly 13:53:50</p> <p>8 it's more than one, but I just want to make 13:53:52</p> <p>9 sure I understand. 13:53:56</p> <p>10 Did you say approximately ten, 13:53:56</p> <p>11 or do you think it was ten or less? 13:53:58</p> <p>12 A. Ten or less. 13:53:59</p> <p>13 Q. Ten or less. 13:54:00</p> <p>14 And do you recall if it was 13:54:01</p> <p>15 five, or where in the spectrum between one 13:54:03</p> <p>16 and ten? 13:54:06</p> <p>17 A. I'm sorry, I can't recall. I 13:54:07</p> <p>18 really can't recall. 13:54:09</p> <p>19 Q. Would it be fair to say, 13:54:09</p> <p>20 relative to all the peculiar orders that you 13:54:11</p> <p>21 had reported to you on a monthly basis to the 13:54:13</p> <p>22 DEA, that the identification of a suspicious 13:54:16</p> <p>23 order was extremely rare given that number? 13:54:19</p> <p>24 MR. O'CONNOR: Objection to 13:54:22</p> <p>25 form. 13:54:22</p>	<p>1 agree with me that the actual amount of 13:55:07</p> <p>2 suspicious orders that were reported to the 13:55:09</p> <p>3 DEA prior to 2007 was a very low percentage 13:55:10</p> <p>4 relative to all peculiar orders reported to 13:55:16</p> <p>5 the DEA, correct? 13:55:18</p> <p>6 MR. O'CONNOR: Objection to 13:55:19</p> <p>7 form. 13:55:19</p> <p>8 THE WITNESS: Yes, correct. 13:55:19</p> <p>9 QUESTIONS BY MR. KO: 13:55:20</p> <p>10 Q. Okay. We can set this one 13:55:21</p> <p>11 aside. 13:55:29</p> <p>12 (Mallinckrodt-Harper Exhibit 10 13:55:29</p> <p>13 marked for identification.) 13:55:30</p> <p>14 QUESTIONS BY MR. KO: 13:55:30</p> <p>15 Q. Want to now turn your attention 13:55:30</p> <p>16 to what's going to be marked as exhibit -- 13:55:31</p> <p>17 Harper Exhibit 10. 13:55:33</p> <p>18 And for the record, this 13:55:39</p> <p>19 document ends in Bates 7146630. 13:55:40</p> <p>20 And this appears to be -- if 13:55:56</p> <p>21 you look at the bottom e-mail on the first 13:55:57</p> <p>22 page, there's a reference made to an e-mail 13:56:00</p> <p>23 you send to several people on January 4, 13:56:04</p> <p>24 2008? 13:56:09</p> <p>25 Do you see that? 13:56:09</p>
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<p>1 THE WITNESS: If we can say 13:54:22</p> <p>2 extremely rare was a low percentage, 13:54:24</p> <p>3 if you don't mind that term, yes. 13:54:26</p> <p>4 Yes. 13:54:28</p> <p>5 QUESTIONS BY MR. KO: 13:54:29</p> <p>6 Q. Well, in these peculiar -- 13:54:29</p> <p>7 these monthly peculiar order reports that Jim 13:54:30</p> <p>8 Rausch was sending to the DEA, did you have 13:54:33</p> <p>9 any understanding of how many orders were 13:54:35</p> <p>10 included in that report? 13:54:36</p> <p>11 A. I did not. 13:54:38</p> <p>12 Q. Okay. There were quite a few, 13:54:40</p> <p>13 weren't there? 13:54:42</p> <p>14 MR. O'CONNOR: Objection to 13:54:43</p> <p>15 form. 13:54:44</p> <p>16 THE WITNESS: I don't know if 13:54:44</p> <p>17 this was the report that included the 13:54:47</p> <p>18 dosage form orders out of Hobart or if 13:54:51</p> <p>19 this was a separate report that Jim 13:54:54</p> <p>20 Rausch was sending for the bulk API 13:54:55</p> <p>21 orders. 13:55:00</p> <p>22 QUESTIONS BY MR. KO: 13:55:00</p> <p>23 Q. Fair enough. 13:55:00</p> <p>24 Well, regardless of whether or 13:55:01</p> <p>25 not we can clarify that distinction, you do 13:55:05</p>	<p>1 A. Yes. 13:56:10</p> <p>2 Q. Any reason to dispute -- or any 13:56:11</p> <p>3 reason to dispute whether or not you sent 13:56:14</p> <p>4 this letter -- or e-mail? 13:56:16</p> <p>5 A. No. 13:56:18</p> <p>6 Q. Okay. And on this particular 13:56:19</p> <p>7 e-mail, you are attaching another memo/DEA 13:56:24</p> <p>8 guidance letter; is that correct? 13:56:31</p> <p>9 A. Yes. 13:56:33</p> <p>10 Q. And this is separate and apart 13:56:34</p> <p>11 from the prior Rannazzisi letter that we 13:56:39</p> <p>12 discussed. This appears to be another one, 13:56:41</p> <p>13 dated December 27, 2007, correct? 13:56:43</p> <p>14 A. Correct. 13:56:46</p> <p>15 Q. And you received this -- you 13:56:46</p> <p>16 actually received this correspondence, 13:56:49</p> <p>17 correct? 13:56:51</p> <p>18 A. Correct. 13:56:51</p> <p>19 Q. Directly from Mr. Rannazzisi? 13:56:51</p> <p>20 A. Yes. 13:56:54</p> <p>21 Q. Okay. And turning back to 13:56:55</p> <p>22 the -- to your e-mail, you indicate that the 13:57:00</p> <p>23 guidance letter or the memo as referred to in 13:57:08</p> <p>24 this e-mail that you received on January 4, 13:57:12</p> <p>25 2000-A -- 2008 targets manufacturers as well 13:57:15</p>

<p style="text-align: right;">Page 242</p> <p>1 as distributors in terms of suspicious order 13:57:20</p> <p>2 monitoring obligations. 13:57:23</p> <p>3 Did I read that correctly? 13:57:23</p> <p>4 A. Yes. 13:57:24</p> <p>5 Q. So is it fair to say that as of 13:57:24</p> <p>6 January 4, 2008, you understand that the DEA 13:57:28</p> <p>7 expected compliance with the standards set 13:57:31</p> <p>8 forth in this letter? Correct? 13:57:35</p> <p>9 MR. O'CONNOR: Objection to 13:57:36</p> <p>10 form. 13:57:36</p> <p>11 THE WITNESS: So these aren't 13:57:36</p> <p>12 regulations. It's a guidance. 13:57:39</p> <p>13 QUESTIONS BY MR. KO: 13:57:40</p> <p>14 Q. Sure. 13:57:41</p> <p>15 A. So, yes, we understood that 13:57:41</p> <p>16 this was additional guidance on SOM. 13:57:43</p> <p>17 Q. And my question was whether or 13:57:46</p> <p>18 not you understood that as of January 4, 13:57:49</p> <p>19 2008, you understood that the DEA expected 13:57:52</p> <p>20 compliance with the standards set forth in 13:57:56</p> <p>21 that letter. 13:57:58</p> <p>22 MR. O'CONNOR: Objection to 13:57:59</p> <p>23 form. 13:57:59</p> <p>24 THE WITNESS: No. 13:57:59</p> <p>25</p>	<p style="text-align: right;">Page 244</p> <p>1 the instructions set forth in that letter, 13:58:56</p> <p>2 correct? 13:58:58</p> <p>3 MR. O'CONNOR: Objection to 13:58:58</p> <p>4 form. 13:58:59</p> <p>5 THE WITNESS: Could you please 13:58:59</p> <p>6 repeat that question? I'm sorry. 13:59:01</p> <p>7 QUESTIONS BY MR. KO: 13:59:02</p> <p>8 Q. Sure. 13:59:03</p> <p>9 You certainly believed that 13:59:03</p> <p>10 Mallinckrodt could not follow the 13:59:07</p> <p>11 instructions set forth in that letter, 13:59:10</p> <p>12 correct? 13:59:12</p> <p>13 MR. O'CONNOR: Objection to 13:59:13</p> <p>14 form. 13:59:13</p> <p>15 THE WITNESS: I did not believe 13:59:13</p> <p>16 that. 13:59:14</p> <p>17 QUESTIONS BY MR. KO: 13:59:14</p> <p>18 Q. Right. 13:59:15</p> <p>19 You believed that Mallinckrodt 13:59:15</p> <p>20 should follow the instructions set forth in 13:59:17</p> <p>21 that letter, correct? 13:59:19</p> <p>22 A. Correct. 13:59:20</p> <p>23 Q. Thank you. 13:59:21</p> <p>24 A. Yes. 13:59:22</p> <p>25 Q. That was an inartful question 13:59:22</p>
<p style="text-align: right;">Page 243</p> <p>1 QUESTIONS BY MR. KO: 13:58:00</p> <p>2 Q. So you believed that the things 13:58:00</p> <p>3 set forth in this letter you did not 13:58:02</p> <p>4 necessarily have to comply with? 13:58:04</p> <p>5 A. No. 13:58:06</p> <p>6 Q. Okay. You believe you did not 13:58:06</p> <p>7 have to comply with -- with the instructions 13:58:09</p> <p>8 as sent out by Mr. Rannazzisi on... 13:58:14</p> <p>9 A. So this is another guidance 13:58:18</p> <p>10 meant for industry which we attempted to 13:58:20</p> <p>11 incorporate into our program. But this was 13:58:23</p> <p>12 not -- it quotes the regulations, but this 13:58:27</p> <p>13 was not promulgated in CFR 21. 13:58:30</p> <p>14 Q. I understand that and I -- I 13:58:34</p> <p>15 very clearly under the distinction that 13:58:35</p> <p>16 you're trying to make, and my question simply 13:58:37</p> <p>17 was whether or not you believed you were 13:58:39</p> <p>18 expected to comply with the instructions set 13:58:42</p> <p>19 forth in that letter. 13:58:45</p> <p>20 MR. O'CONNOR: Same objection. 13:58:45</p> <p>21 THE WITNESS: Yes. 13:58:46</p> <p>22 QUESTIONS BY MR. KO: 13:58:51</p> <p>23 Q. All right. You certainly did 13:58:51</p> <p>24 not want to follow -- or you certainly 13:58:52</p> <p>25 believed that Mallinckrodt could not follow 13:58:54</p>	<p style="text-align: right;">Page 245</p> <p>1 by me. I apologize. 13:59:24</p> <p>2 Now, going back to the bottom 13:59:26</p> <p>3 of that first page, you also reference 13:59:37</p> <p>4 another -- well, you reference a Federal 13:59:41</p> <p>5 Register Notice. 13:59:41</p> <p>6 Do you see that? 13:59:44</p> <p>7 A. Yes. 13:59:44</p> <p>8 Q. 72 FR 36487. 13:59:44</p> <p>9 And I believe that's a 13:59:51</p> <p>10 reference to the Southwood Federal Register 13:59:51</p> <p>11 Notice that we discussed earlier today, 13:59:53</p> <p>12 correct? 13:59:55</p> <p>13 A. Yes, it is. 13:59:55</p> <p>14 Q. Okay. So again, as of January 13:59:57</p> <p>15 4, 2008, you understood that the DEA was 13:59:59</p> <p>16 instructing you to read, review and follow 14:00:05</p> <p>17 the guidelines set forth in that Federal 14:00:11</p> <p>18 Register Notice, correct? 14:00:13</p> <p>19 MR. O'CONNOR: Objection to 14:00:14</p> <p>20 form. 14:00:14</p> <p>21 THE WITNESS: So this is a 14:00:14</p> <p>22 guidance, and it referenced 14:00:16</p> <p>23 Southwood's, and Southwood's was the 14:00:18</p> <p>24 relationship from a distributor to the 14:00:22</p> <p>25 pharmacy. And we sell to 14:00:23</p>

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1 distributors, not directly to 14:00:24

2 pharmacies. 14:00:26

3 QUESTIONS BY MR. KO: 14:00:26

4 Q. And I understand the 14:00:26

5 distinction being made, but there were 14:00:28

6 certain statements made in Southwood, 14:00:30

7 correct, as we discussed earlier? 14:00:32

8 A. Yes. 14:00:33

9 Q. And it was your understanding 14:00:33

10 that there were certain principles to follow 14:00:36

11 as a result of the statements set forth in 14:00:42

12 Southwood, or did you believe that you did 14:00:43

13 not have to follow those? 14:00:45

14 MR. O'CONNOR: Objection to 14:00:46

15 form. 14:00:47

16 THE WITNESS: Certain 14:00:47

17 principles, yes. 14:00:48

18 QUESTIONS BY MR. KO: 14:00:49

19 Q. So in other words, there were 14:00:49

20 certain principles that you believe you had 14:00:50

21 to follow as a result of the Southwood 14:00:52

22 Federal Register Notice, correct? 14:00:54

23 MR. O'CONNOR: Objection. 14:00:55

24 Form. 14:00:55

25 THE WITNESS: Yes. Correct. 14:00:55

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1 QUESTIONS BY MR. KO: 14:00:57

2 Q. So the letters that you had 14:01:06

3 received from Mr. Rannazzisi, as we described 14:01:07

4 were the Rannazzisi letters, just so the 14:01:09

5 record is clear, those are two letters that 14:01:13

6 you became aware of sometime in the 2007, 14:01:16

7 2008 time period? 14:01:19

8 A. Yes. 14:01:20

9 MR. O'CONNOR: Objection to 14:01:21

10 form. 14:01:22

11 QUESTIONS BY MR. KO: 14:01:22

12 Q. And it's your testimony that 14:01:22

13 you only received directly the e-mail -- or 14:01:23

14 the letter reflected in Exhibit 10 directly, 14:01:27

15 correct? 14:01:30

16 A. Correct. 14:01:31

17 Q. Okay. And in connection with 14:01:33

18 revising and improving Mallinckrodt's SOM 14:01:37

19 program, is one of the reasons for improving 14:01:40

20 the SOM program a result of reading these 14:01:44

21 letters? 14:01:49

22 MR. O'CONNOR: Objection. 14:01:49

23 THE WITNESS: Yes. 14:01:50

24 QUESTIONS BY MR. KO: 14:01:53

25 Q. Okay. Thank you. You can set 14:01:54

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1 that aside. 14:01:56

2 Actually, sorry, there was one 14:01:57

3 more question, but maybe you don't need to 14:02:09

4 consult with that actual exhibit. 14:02:12

5 Do you know who Kyle Wright is? 14:02:13

6 A. Yes. 14:02:15

7 Q. He was at DEA, correct? 14:02:17

8 A. Yes. 14:02:19

9 Q. And do you recall meeting with 14:02:20

10 him at various DEA meetings or conferences? 14:02:25

11 A. Yes. 14:02:28

12 Q. And did you meet with him prior 14:02:29

13 to or after the receipt of that e-mail, or do 14:02:33

14 you not recall? 14:02:36

15 A. I do not recall. 14:02:37

16 Q. Do you recall meeting with him 14:02:38

17 in the 2011 time period? 14:02:39

18 A. I'm sorry, I remember meeting 14:02:40

19 with him at a conference, but not the date. 14:02:42

20 Q. Sure. 14:02:44

21 And do you recall the substance 14:02:47

22 of the conversation you had with Mr. Wright? 14:02:51

23 A. Yes. 14:02:53

24 Q. And what was the substance of 14:02:55

25 the conversation you had with him? 14:02:57

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1 A. He had been speaking from the 14:02:58

2 podium about suspicious order monitoring, and 14:03:01

3 I asked to speak to him during a breakout 14:03:06

4 session to talk about the attributes of our 14:03:09

5 program. 14:03:11

6 Q. Okay. And I believe we have 14:03:12

7 some documentation about that, so we'll cover 14:03:15

8 that later. 14:03:17

9 But other than that particular 14:03:18

10 conversation you had with him, do you recall 14:03:21

11 any other meetings or conversations you had 14:03:23

12 with Mr. Wright? 14:03:24

13 A. I'm not certain if he was at a 14:03:26

14 subsequent meeting at DEA in 2011. I can't 14:03:31

15 recall if he was in attendance. 14:03:35

16 Q. Okay. Fair enough. 14:03:36

17 (Mallinckrodt-Harper Exhibit 11 14:03:42

18 marked for identification.) 14:04:00

19 QUESTIONS BY MR. KO: 14:04:00

20 Q. I'm going to hand you a copy of 14:03:38

21 what has been marked as Harper Exhibit 11. 14:03:40

22 A. Uh-huh. 14:03:40

23 Q. And for the record, this 14:04:00

24 exhibit ends in Bates 301994, and it appears 14:04:04

25 to be an e-mail chain between you and Jim 14:04:12

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1 Rausch from April 21, 2008. 14:04:14

2 Do you see that? 14:04:19

3 A. Yes. 14:04:19

4 Q. And in this e-mail chain, I 14:04:20

5 believe you're asking what the algorithm -- 14:04:24

6 you're asking Mr. Rausch what the algorithm 14:04:29

7 is to determine orders of excessive quantity, 14:04:31

8 frequency or outside of the normal pattern; 14:04:36

9 is that correct? 14:04:38

10 A. Yes. 14:04:38

11 Q. And in particular -- I said 14:04:39

12 "algorithm," but you specifically asked what 14:04:43

13 the current equation is, correct? 14:04:45

14 A. Yes. 14:04:47

15 Q. And he responds that "the 14:04:48

16 metric is [REDACTED] the previous fiscal year and 14:04:52

17 year-to-date average for a SKU and customer." 14:04:56

18 MR. O'CONNOR: Objection to 14:05:00

19 form. 14:05:04

20 QUESTIONS BY MR. KO: 14:05:04

21 Q. Well, let me just make sure the 14:05:05

22 record is clear. 14:05:06

23 His response to your question 14:05:06

24 is, quote, "Any order quantity that is [REDACTED] 14:05:08

25 the previous fiscal year and YTD" -- in other 14:05:09

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1 words, year-to-date -- "average for a SKU and 14:05:13

2 customer." 14:05:15

3 Did I read that correctly? 14:05:16

4 A. Yes. 14:05:16

5 Q. Okay. And so does this refresh 14:05:17

6 your recollection that in the April 2008 time 14:05:21

7 period, the algorithm that you were using for 14:05:23

8 the peculiar order threshold was [REDACTED] the 14:05:24

9 previous fiscal year? 14:05:26

10 A. Yes. 14:05:27

11 Q. Okay. And at that time, it's 14:05:28

12 also fair to say based on this e-mail that 14:05:30

13 you didn't actually know until Jim responded 14:05:32

14 what the formula actually was? 14:05:35

15 MR. O'CONNOR: Objection to 14:05:36

16 form. 14:05:38

17 THE WITNESS: That's not 14:05:38

18 correct. 14:05:39

19 QUESTIONS BY MR. KO: 14:05:39

20 Q. Well, why did you ask him then? 14:05:40

21 A. Because I asked the current 14:05:42

22 equation. It had moved from [REDACTED] to [REDACTED] to [REDACTED] 14:05:44

23 It moved around. 14:05:47

24 Q. Right. 14:05:48

25 A. The multiplier. So I asked him 14:05:48

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1 what the current one is -- 14:05:50

2 Q. Sure. 14:05:52

3 A. -- at that time. 14:05:52

4 Q. I see what you're saying. 14:05:52

5 A. Okay. 14:05:54

6 Q. And so my question was simply: 14:05:54

7 At the time of this e-mail, you did not know 14:05:56

8 the then current equation to determine a 14:05:59

9 peculiar order, correct? 14:06:02

10 A. That's correct. 14:06:03

11 Q. And based on your e-mail, you 14:06:04

12 had thought that perhaps it was just a 1.2 14:06:07

13 metric? 14:06:09

14 MR. O'CONNOR: Objection to 14:06:11

15 form. 14:06:12

16 THE WITNESS: Yes. 14:06:12

17 QUESTIONS BY MR. KO: 14:06:13

18 Q. All right. Okay. 14:06:14

19 And just, again, to be clear, 14:06:17

20 this -- this e-mail talks about an excessive 14:06:19

21 quantity calculation. That's the title of 14:06:22

22 the e-mail, right? 14:06:25

23 A. Yes. 14:06:26

24 Q. And Mallinckrodt's then system 14:06:27

25 to determine whether or not an order was of 14:06:36

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1 an excessive quantity, frequency or outside 14:06:39

2 of normal pattern was to use the [REDACTED] metric 14:06:42

3 that we've been describing today; is that 14:06:45

4 correct? 14:06:47

5 A. Yes. 14:06:47

6 Q. Okay. You can set that aside. 14:06:49

7 Now, the date of this e-mail is 14:07:02

8 April 21, 2008, correct? 14:07:03

9 A. Yes, correct. 14:07:05

10 Q. And that's approximately three 14:07:07

11 and a half months after you received 14:07:08

12 notification from the DEA, and in particular 14:07:10

13 the second Rannazzisi letter, correct? 14:07:14

14 A. Yes. 14:07:17

15 Q. So is it fair to say that it 14:07:17

16 took you three and a half months to ask 14:07:18

17 Mr. Rausch what your then existing peculiar 14:07:21

18 order algorithm metric was? 14:07:24

19 MR. O'CONNOR: Objection to 14:07:26

20 form. 14:07:27

21 THE WITNESS: We were rewriting 14:07:27

22 the policies in the systems and 14:07:29

23 procedures, and, yes, I did not know 14:07:31

24 it by heart. So there was a reference 14:07:32

25 made, and I wanted to detail it in the 14:07:34

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1	procedure.	14:07:36	1	e-mail chain between you -- well, excuse me.	14:09:32
2	QUESTIONS BY MR. KO:	14:07:36	2	It's an e-mail chain involving	14:09:35
3	Q. Okay. Thank you for that.	14:07:36	3	Mr. Ratliff and Mr. Rausch in which you are	14:09:40
4	And I was just asking whether	14:07:37	4	also a recipient, dated April 1, 2008; is	14:09:42
5	or not you agree with the fact that it took	14:07:41	5	that correct?	14:09:46
6	you three and a half months after receiving	14:07:43	6	A. Yes.	14:09:46
7	the second Rannazzisi letter directed at	14:07:45	7	Q. And earlier we had spoken about	14:09:48
8	manufacturers to ask Mr. Rausch what the then	14:07:50	8	Pete Kleissle of the DEA, and you recall	14:09:58
9	existing peculiar order algorithm was.	14:07:59	9	meeting him sometime in 2010, correct?	14:10:01
10	MR. O'CONNOR: Objection.	14:08:01	10	A. Yes.	14:10:04
11	Form.	14:08:03	11	Q. And it appears here that	14:10:05
12	THE WITNESS: Yes.	14:08:03	12	Mr. Kleissle has had some interactions with	14:10:06
13	QUESTIONS BY MR. KO:	14:08:03	13	Mr. Ratliff and Mr. Rausch as well, correct?	14:10:09
14	Q. Okay. Thank you. You can set	14:08:03	14	A. I believe directly with	14:10:11
15	that one aside.	14:08:16	15	Mr. Ratliff, who was passing on the	14:10:15
16	And I think -- or excuse me, I	14:08:18	16	information to Jim Rausch.	14:10:17
17	will hand you a copy of what's previously	14:08:19	17	Q. Okay. And it was also your	14:10:18
18	been marked as Exhibit 1 to the Stewart	14:08:21	18	understanding that Mr. Rat -- or excuse me,	14:10:20
19	deposition.	14:08:24	19	Mr. Rausch was sending monthly reports to	14:10:23
20	MR. KO: And for the record,	14:08:26	20	Mr. Kleissle at DEA --	14:10:27
21	this document ends in Bates 299558.	14:08:27	21	A. Yes.	14:10:29
22	QUESTIONS BY MR. KO:	14:08:27	22	Q. -- prior to this time, correct?	14:10:30
23	Q. Sorry to jump around, but going	14:08:42	23	A. Yes.	14:10:31
24	back to the previous line of questioning, do	14:08:43	24	Q. And those were the peculiar	14:10:31
25	you recall why it took you three and a half	14:08:48	25	order reports that we were discussing	14:10:32
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1	months to ask for the existing algorithm?	14:08:50	1	previously, correct?	14:10:33
2	MR. O'CONNOR: Objection to	14:08:52	2	A. Yes.	14:10:34
3	form.	14:08:54	3	Q. Now, in response to receiving	14:10:36
4	THE WITNESS: I was writing the	14:08:54	4	those monthly reports, Mr. Ratliff reports a	14:10:38
5	procedure, and I wanted to document.	14:08:56	5	conversation that he had with Mr. Kleissle	14:10:45
6	I knew the algorithm existed; I just	14:08:57	6	about them; is that correct?	14:10:48
7	did not know the multiplier.	14:08:59	7	A. Correct.	14:10:49
8	QUESTIONS BY MR. KO:	14:09:00	8	Q. In particular, Mr. Ratliff	14:10:52
9	Q. Okay. And when you say you	14:09:00	9	says, "Pete Kleissle, DEA diversion group	14:10:56
10	were "writing the procedure," what are you	14:09:03	10	supervisor, St. Louis, just called regarding	14:10:58
11	talking about?	14:09:05	11	several letters he has received from you	14:11:02
12	A. I'm documenting the process	14:09:05	12	detailing suspicious orders."	14:11:04
13	flow for our suspicious order monitoring	14:09:09	13	Did I read that correctly?	14:11:07
14	program within Mallinckrodt.	14:09:11	14	A. Yes.	14:11:07
15	Q. Okay. And that's reflected in	14:09:12	15	Q. He goes on to say, "He advised	14:11:09
16	a policy. I think we'll have a copy of it	14:09:13	16	that he needs more information in that if it	14:11:12
17	that we can show you, but it's the actual	14:09:16	17	is suspicious, why are we filling the order.	14:11:14
18	policy of identifying -- company policy of	14:09:18	18	I explained that we use a calculation based	14:11:17
19	identifying a suspicious order, correct?	14:09:23	19	upon an amount previously ordered. He	14:11:19
20	A. Yes.	14:09:24	20	stated, 'If you think it is suspicious, don't	14:11:23
21	MR. O'CONNOR: Objection to	14:09:26	21	fill it.' I will go into more detail on	14:11:26
22	form.	14:09:26	22	Friday."	14:11:30
23	QUESTIONS BY MR. KO:	14:09:26	23	Did I read that correctly?	14:11:30
24	Q. All right. Now, turning back	14:09:27	24	A. Yes.	14:11:31
25	to this document, this appears to be an	14:09:27	25	Q. Now, we had discussed earlier	14:11:32

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<p>1 today about instances in which Mallinckrodt 14:11:38</p> <p>2 was shipping a peculiar order before making 14:11:42</p> <p>3 any kind of due diligence determination. 14:11:46</p> <p>4 Do you recall that testimony? 14:11:49</p> <p>5 A. Yes, there was a short period 14:11:50</p> <p>6 of time, yes. There was a period of time. 14:11:52</p> <p>7 Q. Okay. And this seems to 14:11:54</p> <p>8 reflect that practice; is that fair to say? 14:11:57</p> <p>9 MR. O'CONNOR: Objection to 14:12:02</p> <p>10 form. 14:12:03</p> <p>11 THE WITNESS: No, not -- no, it 14:12:03</p> <p>12 does not. 14:12:08</p> <p>13 QUESTIONS BY MR. KO: 14:12:08</p> <p>14 Q. Okay. Well, Mr. Kleissle is 14:12:08</p> <p>15 concerned about -- Mr. Kleissle is concerned, 14:12:10</p> <p>16 is he not, about the fact that Mallinckrodt 14:12:14</p> <p>17 is actually filling orders -- 14:12:17</p> <p>18 MR. O'CONNOR: Objection. 14:12:19</p> <p>19 QUESTIONS BY MR. KO: 14:12:19</p> <p>20 Q. -- that appear on the peculiar 14:12:19</p> <p>21 order report? 14:12:20</p> <p>22 MR. O'CONNOR: Objection to 14:12:21</p> <p>23 form. 14:12:21</p> <p>24 THE WITNESS: My understanding 14:12:21</p> <p>25 of this instruction is, if it's 14:12:23</p>	<p>1 THE WITNESS: Yes. 14:13:14</p> <p>2 QUESTIONS BY MR. KO: 14:13:14</p> <p>3 Q. Okay. And in response to 14:13:15</p> <p>4 Mr. Ratliff's e-mail, Mr. Rausch says, "Bill, 14:13:22</p> <p>5 okay. I think we just sent the monthly one 14:13:28</p> <p>6 out yesterday, so maybe that's the one he 14:13:30</p> <p>7 just got. We won't send out any more." 14:13:32</p> <p>8 Did I read that correctly? 14:13:35</p> <p>9 A. Yes. 14:13:35</p> <p>10 Q. So as of the date of this 14:13:37</p> <p>11 e-mail, it appears that Mr. Rausch is no 14:13:40</p> <p>12 longer going to send the peculiar order 14:13:45</p> <p>13 reports on to DEA; is that accurate? 14:13:46</p> <p>14 A. Yes. 14:13:49</p> <p>15 Q. And did you agree with that 14:13:50</p> <p>16 practice? 14:13:51</p> <p>17 A. Yes. 14:13:52</p> <p>18 Q. Okay. And you agreed with that 14:13:55</p> <p>19 because you were going to revamp and improve 14:13:56</p> <p>20 your SOM program, correct? 14:14:02</p> <p>21 A. Yes. 14:14:03</p> <p>22 Q. You can set that one aside. 14:14:04</p> <p>23 Actually, I take that back. 14:14:37</p> <p>24 Sorry to jump around again. 14:14:39</p> <p>25 A. No worries. 14:14:40</p>
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<p>1 suspicious, do not report it and don't 14:12:25</p> <p>2 ship it. But if you're going to ship 14:12:28</p> <p>3 it, it's not suspicious. 14:12:30</p> <p>4 QUESTIONS BY MR. KO: 14:12:32</p> <p>5 Q. Okay. Well -- 14:12:33</p> <p>6 A. Sorry. Sorry. 14:12:34</p> <p>7 Q. No, it's okay. We'll try to 14:12:35</p> <p>8 unpack that in a moment. 14:12:36</p> <p>9 A. Okay. 14:12:37</p> <p>10 Q. But he does say, "If you think 14:12:37</p> <p>11 it is suspicious, don't fill it," correct? 14:12:40</p> <p>12 A. Yes. 14:12:42</p> <p>13 Q. Okay. And he also is advising 14:12:43</p> <p>14 that he needs more information based on the 14:12:48</p> <p>15 peculiar order reports that Mr. Rausch -- 14:12:55</p> <p>16 Mr. Rausch is sending to him; is that fair to 14:12:57</p> <p>17 say? 14:12:59</p> <p>18 A. Yes. 14:12:59</p> <p>19 Q. Okay. So as of the date of 14:13:01</p> <p>20 this e-mail, is it fair to say that 14:13:03</p> <p>21 Mallinckrodt knew from the DEA that they 14:13:05</p> <p>22 needed more information on the monthly 14:13:09</p> <p>23 reports that they were sending to DEA? 14:13:11</p> <p>24 MR. O'CONNOR: Objection to 14:13:13</p> <p>25 form. 14:13:14</p>	<p>1 Q. But can you grab that document 14:14:41</p> <p>2 again? 14:14:44</p> <p>3 A. Is this number 1? 14:14:44</p> <p>4 Q. Yes. 14:14:44</p> <p>5 A. Stewart? 14:14:46</p> <p>6 Q. Stewart Exhibit 1. 14:14:48</p> <p>7 A. All right. Yes, I have it. 14:14:50</p> <p>8 Q. And Mr. Ratliff indicates to 14:14:50</p> <p>9 the recipients of this e-mail, including you, 14:14:57</p> <p>10 that "I advised that we have a conference 14:15:00</p> <p>11 call planned with Frank Sapienza on Friday to 14:15:04</p> <p>12 strengthen our suspicious order 14:15:07</p> <p>13 identification system." 14:15:10</p> <p>14 Did I read that correctly? 14:15:12</p> <p>15 A. Yes. 14:15:12</p> <p>16 Q. So do you agree -- do you agree 14:15:12</p> <p>17 with Bill's sentiment at that time that your 14:15:13</p> <p>18 suspicious order monitoring system needed to 14:15:17</p> <p>19 be strengthened? 14:15:20</p> <p>20 MR. O'CONNOR: Objection to 14:15:21</p> <p>21 form. 14:15:22</p> <p>22 THE WITNESS: No. 14:15:22</p> <p>23 QUESTIONS BY MR. KO: 14:15:22</p> <p>24 Q. You did not believe it needed 14:15:22</p> <p>25 to be strengthened? 14:15:24</p>

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<p>1 A. Semantics. I believe it needed 14:15:25</p> <p>2 to be enhanced, but I would not have used the 14:15:27</p> <p>3 word "strengthen." 14:15:29</p> <p>4 Q. Okay. So as of April 1, 2008, 14:15:31</p> <p>5 you believed that Mallinckrodt's suspicious 14:15:34</p> <p>6 order monitoring program needed to be 14:15:37</p> <p>7 enhanced? 14:15:38</p> <p>8 A. Yes. 14:15:38</p> <p>9 Q. Okay. You can set that one 14:15:39</p> <p>10 aside. 14:15:42</p> <p>11 I'm now going to hand you a 14:15:53</p> <p>12 copy of what will be marked as Harper 14:15:55</p> <p>13 Exhibit 12. 14:15:57</p> <p>14 MR. KO: For the record, this 14:15:58</p> <p>15 is -- ends in Bates stamp 419907. 14:15:58</p> <p>16 (Mallinckrodt-Harper Exhibit 12 14:16:01</p> <p>17 marked for identification.) 14:16:02</p> <p>18 QUESTIONS BY MR. KO: 14:16:02</p> <p>19 Q. And this is an e-mail chain in 14:16:21</p> <p>20 which you are involved in in the late April 14:16:24</p> <p>21 to early May 2008 time period; is that 14:16:27</p> <p>22 correct? 14:16:35</p> <p>23 A. Yes. 14:16:35</p> <p>24 Q. And do you have any reason to 14:16:36</p> <p>25 doubt that you sent and received the e-mails 14:16:39</p>	<p>1 A. Yes. 14:17:32</p> <p>2 Q. And the DEA advice that that 14:17:33</p> <p>3 member received was that the DEA expected 14:17:37</p> <p>4 registrants to know their customer, correct? 14:17:41</p> <p>5 A. Correct. 14:17:44</p> <p>6 Q. And I want to focus on the 14:17:44</p> <p>7 portion of your e-mail in which you say that 14:17:48</p> <p>8 "The DEA advice includes comparing" -- quote, 14:17:54</p> <p>9 "Compare that activity to a bank's obligation 14:17:59</p> <p>10 to report \$10,000 transactions to law 14:18:01</p> <p>11 enforcement for detection and money 14:18:03</p> <p>12 laundering while having the ability to detect 14:18:05</p> <p>13 multiple transactions at \$9,999." 14:18:08</p> <p>14 Did I read that correctly? 14:18:14</p> <p>15 A. Yes. 14:18:14</p> <p>16 Q. Is it a fair interpretation of 14:18:16</p> <p>17 what you're saying here that it's important 14:18:21</p> <p>18 for registrants to not just know about orders 14:18:22</p> <p>19 that are actually suspicious and violate DEA 14:18:27</p> <p>20 regulations or statutes, but also to 14:18:33</p> <p>21 determine whether or not there are other 14:18:37</p> <p>22 orders that could potentially violate such 14:18:38</p> <p>23 duties and statutes under the CSA? 14:18:42</p> <p>24 MR. O'CONNOR: Objection to 14:18:43</p> <p>25 form. 14:18:44</p>
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<p>1 reflected in this exhibit? 14:16:43</p> <p>2 A. No. 14:16:44</p> <p>3 Q. Okay. And at the very bottom 14:16:45</p> <p>4 of the first page of the exhibit -- the first 14:16:47</p> <p>5 page. 14:16:54</p> <p>6 A. Oh, I'm terribly sorry. 14:16:55</p> <p>7 Q. That's okay. 14:16:57</p> <p>8 -- you indicate that on 14:16:58</p> <p>9 April 23, 2008, you attended a meeting to 14:16:59</p> <p>10 discuss -- or sorry, you attended a meeting 14:17:01</p> <p>11 of the Midwest Controlled Substance 14:17:03</p> <p>12 Discussion Group in Chicago. 14:17:05</p> <p>13 Do you see that? 14:17:06</p> <p>14 A. Yes. 14:17:07</p> <p>15 Q. And that was one of the 14:17:07</p> <p>16 industry groups involving manufacturers that 14:17:09</p> <p>17 you had referenced earlier today? 14:17:11</p> <p>18 A. Yes. 14:17:12</p> <p>19 Q. And one of the agenda items was 14:17:13</p> <p>20 suspicious order monitoring, correct? 14:17:18</p> <p>21 A. Yes. 14:17:19</p> <p>22 Q. And there is reference made to 14:17:19</p> <p>23 DEA advice that one member of the industry 14:17:28</p> <p>24 received. 14:17:31</p> <p>25 Do you see that? 14:17:31</p>	<p>1 THE WITNESS: My interpretation 14:18:44</p> <p>2 of the comment is that the suspicious 14:18:46</p> <p>3 order monitoring system should detect 14:18:48</p> <p>4 orders that are causing uplift -- or 14:18:51</p> <p>5 the algorithm to flag for unusual 14:18:56</p> <p>6 pattern, size or frequency, but also 14:18:58</p> <p>7 those that come in by other -- 14:19:00</p> <p>8 analysis come in just under those 14:19:06</p> <p>9 metrics. 14:19:07</p> <p>10 QUESTIONS BY MR. KO: 14:19:07</p> <p>11 Q. So ones that could potentially 14:19:08</p> <p>12 be suspicious and ones that could potentially 14:19:09</p> <p>13 trigger your algorithm, correct? 14:19:12</p> <p>14 MR. O'CONNOR: Objection. 14:19:12</p> <p>15 Form. 14:19:13</p> <p>16 THE WITNESS: Yes. Cause for 14:19:13</p> <p>17 further review, yes. 14:19:16</p> <p>18 QUESTIONS BY MR. KO: 14:19:18</p> <p>19 Q. All right. So in other words, 14:19:18</p> <p>20 you would agree with me that an effective SOM 14:19:21</p> <p>21 program would not simply just identify actual 14:19:25</p> <p>22 orders that are suspicious but orders that 14:19:29</p> <p>23 come -- using your words, that come close to 14:19:32</p> <p>24 being suspicious as well, correct? 14:19:37</p> <p>25 MR. O'CONNOR: Objection to 14:19:38</p>

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1 form. 14:19:39

2 THE WITNESS: That was the 14:19:39

3 advice given by this member of 14:19:40

4 industry, yes. 14:19:41

5 QUESTIONS BY MR. KO: 14:19:42

6 Q. And then regardless of the 14:19:42

7 advice given by the member of the industry, 14:19:43

8 is it your opinion that an effective SOM 14:19:45

9 program would both flag actual suspicious 14:19:47

10 orders and those that come close to being a 14:19:50

11 suspicious order? 14:19:52

12 MR. O'CONNOR: Objection to 14:19:52

13 form. 14:19:54

14 THE WITNESS: Not necessarily, 14:19:54

15 no. 14:19:55

16 QUESTIONS BY MR. KO: 14:19:55

17 Q. Okay. So you don't -- you 14:19:56

18 didn't -- you didn't agree with the DEA 14:19:58

19 advice that was being given? 14:19:59

20 A. So this is a person at a 14:20:00

21 conference making a comparison, and it was, 14:20:04

22 again, another suggestion. But we understood 14:20:07

23 that we were still refining our algorithm at 14:20:11

24 the time to detect orders of unusual pattern, 14:20:15

25 size and frequency, not necessarily those 14:20:20

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1 that meet the suggestion. 14:20:23

2 Q. Understood. 14:20:25

3 And you're right, that is the 14:20:26

4 fundamental duty at the end of the day. You 14:20:29

5 were working -- it's correct that at this 14:20:32

6 time you were working on an algorithm to 14:20:33

7 detect orders of unusual pattern, size and 14:20:35

8 frequency, correct? 14:20:42

9 A. Yes. 14:20:43

10 Q. Okay. You can set that one 14:20:43

11 aside. 14:20:53

12 (Mallinckrodt-Harper Exhibit 13 14:21:15

13 marked for identification.) 14:21:15

14 QUESTIONS BY MR. KO: 14:21:15

15 Q. Now, you said previously that 14:21:24

16 you recall attending the Buzzeo conferences 14:21:25

17 in certain years when you were senior manager 14:21:27

18 of controlled substance compliance group, 14:21:29

19 correct? 14:21:32

20 A. Yes. 14:21:32

21 Q. And do you recall attending in 14:21:33

22 2007 and 2008? 14:21:35

23 A. I don't -- I can't recall the 14:21:37

24 dates. 14:21:39

25 Q. I'll hand you a copy of what 14:21:40

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1 has been marked as Harper Exhibit 13. 14:21:52

2 For the record, this e-mail 14:21:58

3 chain ends in Bates 302096. 14:22:00

4 And this is an e-mail dated 14:22:11

5 November 4, 2008, from Cathy Stewart to 14:22:13

6 several people, including you, correct? 14:22:15

7 A. Correct. 14:22:17

8 Q. And they appear to attach notes 14:22:17

9 that she took at a conference she attended, 14:22:20

10 and I believe that is the Buzzeo conference; 14:22:24

11 is that correct? 14:22:26

12 A. Yes. 14:22:26

13 Q. Does this refresh your 14:22:27

14 recollection as to whether or not you 14:22:29

15 attended this particular conference as well? 14:22:30

16 A. Yes. 14:22:32

17 Q. And did you in fact attend this 14:22:33

18 conference with Ms. Stewart? 14:22:35

19 A. Yes. 14:22:35

20 Q. Okay. And she indicates in her 14:22:36

21 e-mail to you that "A lot of energy is being 14:22:42

22 focused on suspicious order monitoring." 14:22:46

23 Do you see that? 14:22:50

24 A. Oh, yes. Yes, I do. 14:22:51

25 Q. And do you recall that at 14:22:54

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1 this -- during this Buzzeo conference in 14:22:56

2 late -- or fall of 2008 that there was in 14:23:01

3 fact a lot of attention being given to 14:23:03

4 suspicious order monitoring? 14:23:08

5 A. Yes. 14:23:08

6 Q. Okay. And she also indicates 14:23:09

7 in the second sentence of the second 14:23:17

8 paragraph -- you know, I've been talking 14:23:21

9 quite a bit, so I'll let you -- if you don't 14:23:25

10 mind, do you want to read that second 14:23:28

11 sentence? 14:23:29

12 A. The second sentence of the 14:23:29

13 second paragraph? 14:23:30

14 Q. Yeah. 14:23:30

15 A. "Other highlights, i.e., more 14:23:31

16 intensive focus on carriers, are provided as 14:23:34

17 a heads-up that this is on its way." 14:23:37

18 Q. And can you read the sentence 14:23:41

19 before that? 14:23:42

20 A. "The attached is for 14:23:43

21 informational" -- oh, I'm sorry. 14:23:45

22 Q. The sentence before that. 14:23:47

23 A. "As the team leader, I will 14:23:48

24 depend on Karen Harper to determine which 14:23:53

25 areas of our SOM process may need to be 14:23:55

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1 looked at again." 14:23:57

2 Q. Okay. So certainly from the 14:23:58

3 perspective of Ms. Stewart, she believed that 14:23:59

4 you were the team leader of the SOM process; 14:24:01

5 is that correct? 14:24:04

6 A. That's what this states, yes. 14:24:04

7 Q. Okay. And you, in fact, 14:24:06

8 believed that you were effectively the team 14:24:08

9 leader for the enhancement of the SOM process 14:24:10

10 during this time period, correct? 14:24:12

11 MR. O'CONNOR: Objection. 14:24:13

12 Form. 14:24:14

13 THE WITNESS: Yes. 14:24:14

14 QUESTIONS BY MR. KO: 14:24:15

15 Q. And turning the next -- turning 14:24:19

16 to the next page, you see her actual notes. 14:24:20

17 Do you recall reading and 14:24:27

18 reviewing these notes? 14:24:29

19 A. Yes. 14:24:30

20 Q. Okay. She indicates that, 14:24:32

21 quote, "We must also formally document the 14:24:43

22 investigation of each peculiar, suspicious, 14:24:47

23 peculiar, order that gets identified, 14:24:51

24 including the hows and the whys of the logic 14:24:53

25 we used to deem the order appropriate to ship 14:24:55

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1 or not." 14:24:58

2 Did I read that correctly? 14:24:59

3 A. Yes. 14:24:59

4 Q. Okay. And do you recall 14:25:00

5 whether or not you implemented that policy 14:25:01

6 change into the enhanced SOM program? 14:25:05

7 MR. O'CONNOR: Objection to 14:25:08

8 form. 14:25:09

9 THE WITNESS: Yes. Yes, we 14:25:09

10 did. Pardon me. 14:25:12

11 QUESTIONS BY MR. KO: 14:25:13

12 Q. So is it your testimony that 14:25:13

13 for the revised and enhanced SOM program that 14:25:15

14 you eventually rolled out at a future date 14:25:18

15 from the date of this e-mail, you formally 14:25:21

16 documented every single peculiar order, 14:25:23

17 including the hows and whys of the logic we 14:25:30

18 used to deemed the order appropriate to ship 14:25:35

19 or not? 14:25:37

20 A. Yes. 14:25:37

21 Q. Okay. And do you know whether 14:25:37

22 or not those -- and I think earlier I had 14:25:38

23 said "peculiar, suspicious, peculiar," but I 14:25:40

24 mean to say "particular suspicious." 14:25:42

25 A. That's how the sentence reads. 14:25:43

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1 Q. Right. So -- 14:25:43

2 A. Yes. 14:25:44

3 Q. I apologize for that. 14:25:45

4 A. Quite all right. 14:25:50

5 Q. Do you know whether or not the 14:25:51

6 formal documentation was contained in any 14:25:52

7 sort of database? 14:25:56

8 A. It is, yes. 14:25:57

9 Q. Okay. And what database would 14:25:58

10 that all be kept in? 14:26:00

11 A. It's the share drive at 14:26:02

12 Mallinckrodt. 14:26:05

13 Q. Okay. And so your testimony is 14:26:06

14 that every single order that was identified 14:26:08

15 as suspicious was formally documented, or is 14:26:11

16 it your testimony that every single order 14:26:17

17 that was identified as peculiar was formally 14:26:19

18 documented, or both? 14:26:21

19 MR. O'CONNOR: Objection to 14:26:21

20 form. 14:26:22

21 THE WITNESS: Both, but not 14:26:22

22 necessarily at that time. But as time 14:26:24

23 went on, yes, every order review was 14:26:26

24 documented and why. 14:26:29

25

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1 QUESTIONS BY MR. KO: 14:26:30

2 Q. Okay. And do you recall 14:26:30

3 approximately when that formal documentation 14:26:31

4 began? 14:26:36

5 A. In 2012. 14:26:37

6 Q. Okay. So that would be four 14:26:41

7 years after the date of this particular 14:26:44

8 e-mail, correct? 14:26:48

9 A. Correct. 14:26:48

10 Q. Do you know why it took so 14:26:49

11 along to enact that policy? 14:26:51

12 A. So we were working on enhancing 14:26:53

13 our program again. I keep stating that. 14:26:56

14 These are suggestions by 14:27:00

15 breakout speakers and not necessarily -- she 14:27:03

16 talks about they're not all-inclusive, 14:27:06

17 they're for informational purposes. 14:27:09

18 So it was our intent to do so, 14:27:10

19 but we had not completely incorporated the 14:27:13

20 explanation into every order that was 14:27:17

21 reviewed at that time. 14:27:19

22 Q. But you -- excuse me. You did 14:27:21

23 ultimately adopt a system whereby you 14:27:25

24 formally documented every peculiar and 14:27:27

25 suspicious order in 2012, correct? 14:27:29

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1	A. Yes.	14:27:31	1	QUESTIONS BY MR. KO:	14:29:07
2	Q. And that's four years after you	14:27:32	2	Q. And as we described earlier,	14:29:07
3	first discussed the possibility of doing so,	14:27:33	3	there weren't necessarily other	14:29:10
4	correct?	14:27:35	4	extracurricular activities that you were	14:29:12
5	A. It's four years after the topic	14:27:36	5	involved in with respect to your diversion	14:29:14
6	was made -- mentioned at a conference, yes.	14:27:38	6	responsibilities at Mallinckrodt, correct?	14:29:16
7	Q. And reference was made by	14:27:40	7	MR. O'CONNOR: Objection to	14:29:18
8	Ms. Stewart that "we must also formally	14:27:44	8	form.	14:29:18
9	document."	14:27:47	9	THE WITNESS: Correct.	14:29:18
10	Did I read that correctly?	14:27:47	10	QUESTIONS BY MR. KO:	14:29:19
11	So just the record -- just so	14:27:56	11	Q. And so this conference was an	14:29:19
12	the record is clear, Ms. Stewart indicates in	14:27:57	12	important conference for you to attend in	14:29:21
13	her notes that, quote, "We must also formally	14:28:00	13	which you could further understand your	14:29:23
14	document the investigation of each particular	14:28:04	14	responsibilities under the CSA, correct?	14:29:25
15	suspicious, open parens, peculiar, close	14:28:09	15	MR. O'CONNOR: Objection to	14:29:27
16	parens, order that gets identified," end	14:28:11	16	form.	14:29:28
17	quote.	14:28:15	17	THE WITNESS: Yes.	14:29:28
18	Did I read that correctly?	14:28:15	18	QUESTIONS BY MR. KO:	14:29:28
19	A. Yes, you did.	14:28:15	19	Q. So is it fair to say that the	14:29:29
20	Q. Okay. So as of the fall	14:28:16	20	advice and suggestions that were borne out of	14:29:31
21	of 2008, she is suggesting, is she not, that	14:28:21	21	this conference were important suggestions to	14:29:34
22	you must formally document each suspicious or	14:28:23	22	follow?	14:29:38
23	peculiar order?	14:28:25	23	MR. O'CONNOR: Objection to	14:29:39
24	A. She is relaying those notes	14:28:25	24	form.	14:29:40
25	from the conference, not necessarily as a	14:28:29	25	THE WITNESS: They were	14:29:40
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1	mandate that we incorporate them.	14:28:32	1	elements to be considered as part of	14:29:41
2	Q. Sure.	14:28:34	2	our suspicious order monitoring	14:29:42
3	A. So they're notes that she took	14:28:35	3	program, not necessarily a mandate to	14:29:44
4	at a conference.	14:28:38	4	be followed.	14:29:46
5	Q. Right. And I understand it's	14:28:39	5	QUESTIONS BY MR. KO:	14:29:48
6	not a mandate, but she is making a suggestion	14:28:39	6	Q. Okay. And an element to be	14:29:48
7	that you should formally document each	14:28:41	7	considered as of the fall of 2008 was formal	14:29:49
8	suspicious and peculiar order, is she not?	14:28:43	8	documentation of every single peculiar and	14:29:51
9	A. Not necessarily. She's	14:28:44	9	suspicious order, correct?	14:29:54
10	relaying comments made at a conference by a	14:28:45	10	A. Yes, based upon one of the	14:29:54
11	speaker.	14:28:47	11	conference speakers, yes, sir.	14:29:56
12	Q. Okay. Is it fair to say	14:28:48	12	Q. And again, it took you four	14:29:57
13	that -- this Buzzeeo conference that you	14:28:49	13	years to actually implement a system in which	14:30:06
14	attended each year, it was an important	14:28:53	14	you would formally document each peculiar or	14:30:09
15	conference, correct?	14:28:56	15	suspicious order, correct?	14:30:13
16	A. Yes.	14:28:56	16	A. Yes.	14:30:15
17	Q. And it was a conference in	14:28:56	17	Q. And during that four-year time	14:30:17
18	which you would gain important insight	14:28:58	18	period, do you have any understanding of how	14:30:21
19	regarding your duties under the CSA to	14:29:01	19	many pills were diverted in the country,	14:30:25
20	maintain effective controls against	14:29:03	20	Mallinckrodt pills were diverted in the	14:30:27
21	diversion, among other things, correct?	14:29:05	21	country?	14:30:29
22	MR. O'CONNOR: Objection to	14:29:06	22	MR. O'CONNOR: Objection to	14:30:29
23	form.	14:29:06	23	form.	14:30:30
24	THE WITNESS: Yes.	14:29:06	24	THE WITNESS: I do not.	14:30:30
25			25		

<p style="text-align: right;">Page 278</p> <p>1 QUESTIONS BY MR. KO: 14:30:30</p> <p>2 Q. Do you have an understanding of 14:30:32</p> <p>3 whether or not that time period reflected the 14:30:33</p> <p>4 peak of pills that were being distributed 14:30:39</p> <p>5 into Florida? 14:30:43</p> <p>6 MR. O'CONNOR: Objection to 14:30:43</p> <p>7 form. 14:30:44</p> <p>8 THE WITNESS: Yes. 14:30:44</p> <p>9 QUESTIONS BY MR. KO: 14:30:44</p> <p>10 Q. You do have an understanding, 14:30:44</p> <p>11 correct? 14:30:45</p> <p>12 A. Yes. 14:30:45</p> <p>13 Q. And during that time period 14:30:45</p> <p>14 there were -- there was a large concern from 14:30:47</p> <p>15 2008 through 2012 that many of Mallinckrodt 14:30:51</p> <p>16 pills were going into Florida and being 14:30:54</p> <p>17 abused and diverted, correct? 14:30:56</p> <p>18 MR. O'CONNOR: Objection to 14:30:57</p> <p>19 form. 14:30:58</p> <p>20 THE WITNESS: Yes. 14:30:58</p> <p>21 QUESTIONS BY MR. KO: 14:31:00</p> <p>22 Q. Okay. Do you believe that 14:31:04</p> <p>23 earlier adoption of the formal documentation 14:31:05</p> <p>24 to identify peculiar or suspicious orders 14:31:07</p> <p>25 would have helped stop the flow of diversion 14:31:10</p>	<p style="text-align: right;">Page 280</p> <p>1 QUESTIONS BY MR. KO: 14:31:52</p> <p>2 Q. So are you going to follow your 14:31:58</p> <p>3 counsel's instruction? 14:31:59</p> <p>4 A. Yes, sir. 14:31:59</p> <p>5 Q. Okay. Now, I know you said 14:32:00</p> <p>6 earlier that this wasn't necessarily a 14:32:09</p> <p>7 mandate but a suggestion. 14:32:11</p> <p>8 But is there any reason you can 14:32:13</p> <p>9 think of for not following this advice that 14:32:14</p> <p>10 you learned at the Buzzee conference in 2008? 14:32:19</p> <p>11 A. No. 14:32:21</p> <p>12 Q. Okay. Now, one thing -- going 14:32:22</p> <p>13 down to the fifth paragraph of this page, 14:32:27</p> <p>14 Ms. Stewart writes in her notes that "The 14:32:36</p> <p>15 general consensus is that sales reps are not 14:32:38</p> <p>16 considered a good option for on-site 14:32:42</p> <p>17 investigations and initial review prior to 14:32:44</p> <p>18 accepting new customers due to their 14:32:47</p> <p>19 perceived bias in getting the customer 14:32:48</p> <p>20 approved for sales revenue purposes." 14:32:50</p> <p>21 Did I read that correctly? 14:32:53</p> <p>22 A. Yes. 14:32:55</p> <p>23 Q. And so understanding your 14:32:56</p> <p>24 perspective that these aren't necessarily 14:33:02</p> <p>25 mandates, but is it fair to say that one 14:33:04</p>
<p style="text-align: right;">Page 279</p> <p>1 and abuse that was occurring of Mallinckrodt 14:31:13</p> <p>2 pills had you implemented this policy 14:31:16</p> <p>3 earlier? 14:31:18</p> <p>4 MR. O'CONNOR: Objection to 14:31:18</p> <p>5 form. 14:31:18</p> <p>6 THE WITNESS: No. 14:31:18</p> <p>7 QUESTIONS BY MR. KO: 14:31:19</p> <p>8 Q. You don't believe that? 14:31:19</p> <p>9 A. I do not. 14:31:20</p> <p>10 Q. Okay. So you don't -- well, 14:31:21</p> <p>11 then why did you adopt this formal procedure 14:31:23</p> <p>12 in 2012? 14:31:25</p> <p>13 A. It was -- as we continued the 14:31:25</p> <p>14 enhancement of our program, it was -- 14:31:30</p> <p>15 THE WITNESS: This may be a 14:31:36</p> <p>16 privileged -- 14:31:37</p> <p>17 MR. O'CONNOR: Then I guess I 14:31:39</p> <p>18 would instruct you not to answer with 14:31:40</p> <p>19 respect to any sort of attorney-client 14:31:42</p> <p>20 communications. 14:31:46</p> <p>21 But you can answer to the 14:31:46</p> <p>22 extent you can without getting into 14:31:47</p> <p>23 those communications with counsel. 14:31:48</p> <p>24 THE WITNESS: Okay. 14:31:49</p> <p>25</p>	<p style="text-align: right;">Page 281</p> <p>1 thing -- one piece of advice and/or a 14:33:06</p> <p>2 suggestion that you learned following this 14:33:09</p> <p>3 conference was that the general consensus is 14:33:11</p> <p>4 that sales reps should not be involved in 14:33:15</p> <p>5 reviewing new customers due to their 14:33:19</p> <p>6 perceived bias in getting sales? 14:33:21</p> <p>7 MR. O'CONNOR: Objection to 14:33:23</p> <p>8 form. 14:33:24</p> <p>9 THE WITNESS: That's correct, 14:33:24</p> <p>10 and we did not. 14:33:26</p> <p>11 QUESTIONS BY MR. KO: 14:33:28</p> <p>12 Q. In other words -- well, I think 14:33:29</p> <p>13 you were asking {sic} my next question. 14:33:32</p> <p>14 So you never had sales reps 14:33:34</p> <p>15 involved in initial reviews of -- initial 14:33:36</p> <p>16 reviews of new customers? 14:33:42</p> <p>17 A. So we had -- we had the sales 14:33:43</p> <p>18 force calling on customers. We had an 14:33:46</p> <p>19 independent new customer setup process -- 14:33:48</p> <p>20 Q. Right. 14:33:51</p> <p>21 A. -- which involved the customer 14:33:51</p> <p>22 filling out the application. 14:33:52</p> <p>23 At one time we considered that 14:33:54</p> <p>24 the sales reps would fill out the 14:33:55</p> <p>25 application, and we -- we did not utilize 14:33:58</p>

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1	that -- 14:34:02	1	A. Yes. 14:35:47
2	Q. Okay. 14:34:02	2	Q. They did have involvement? 14:35:48
3	A. -- as part of the program. 14:34:02	3	A. Yes. 14:35:49
4	So the customer fills out the 14:34:03	4	Q. Okay. And what involvement -- 14:35:50
5	application. We run the credit, the Dun & 14:34:05	5	what did that involvement consist of? 14:35:52
6	Bradstreet, et cetera. And that's the way -- 14:34:08	6	A. So if an order was flagged as 14:35:54
7	so it's not predicated upon the salesperson's 14:34:10	7	peculiar, suspicious, unusual, whatever the 14:35:57
8	review of the customer. 14:34:14	8	naming convention was at the time, we would 14:36:00
9	Q. And by the way, the sales reps 14:34:16	9	at times consult with the NAMs to ask them if 14:36:05
10	referred to here, again, are these both NAMs 14:34:18	10	they had more information on the account that 14:36:08
11	and CSRs, or NAMs or CSRs, or which -- which 14:34:22	11	would help us in our review of that order 14:36:12
12	sales reps is Cathy referring to? 14:34:26	12	that had been flagged. 14:36:14
13	MR. O'CONNOR: Objection to 14:34:27	13	Q. Okay. And sometimes they would 14:36:15
14	form. 14:34:28	14	clear these orders, correct? 14:36:18
15	THE WITNESS: NAMs. 14:34:28	15	MR. O'CONNOR: Objection to 14:36:19
16	QUESTIONS BY MR. KO: 14:34:29	16	form. 14:36:20
17	Q. NAMs. Okay. 14:34:29	17	THE WITNESS: Yes. Yes. 14:36:20
18	And so your testimony is that 14:34:29	18	QUESTIONS BY MR. KO: 14:36:23
19	NAMs were not involved in any initial review 14:34:32	19	Q. In other words, sometimes they 14:36:24
20	of new customers? 14:34:36	20	would conclusively -- or sometimes they would 14:36:27
21	A. Not to my knowledge. 14:34:38	21	make the recommendation to you that that 14:36:28
22	Q. Okay. So if -- if for purposes 14:34:41	22	particular order was not suspicious 14:36:31
23	of the new checklist -- new customer 14:34:46	23	sufficient to alert the DEA, correct? 14:36:34
24	checklist form NAMs had some input and 14:34:49	24	MR. O'CONNOR: Objection to 14:36:36
25	involvement, that would be contrary to your 14:34:51	25	form. 14:36:36
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1	expectation -- 14:34:53	1	THE WITNESS: Yes, with 14:36:36
2	MR. O'CONNOR: Objection. 14:34:54	2	appropriate explanation, yes. 14:36:38
3	Form. 14:34:55	3	QUESTIONS BY MR. KO: 14:36:39
4	QUESTIONS BY MR. KO: 14:34:56	4	Q. Right. 14:36:40
5	Q. -- is that correct? 14:34:56	5	And that explanation, what did 14:36:40
6	A. I don't -- can you provide more 14:34:57	6	that usually consist of? Was that in the 14:36:43
7	detail to give me more information to answer 14:35:01	7	form of an e-mail? A telephone call? 14:36:46
8	the question, please? 14:35:03	8	MR. O'CONNOR: Objection. 14:36:49
9	Q. Sure. 14:35:04	9	QUESTIONS BY MR. KO: 14:36:49
10	Well, maybe I'll -- I'll try it 14:35:05	10	Q. How did that message -- how was 14:36:49
11	this way. Did you believe in the fall 14:35:07	11	that message conveyed to you? 14:36:51
12	of 2008 that it was a good idea to consult 14:35:11	12	A. It could have been either, 14:36:53
13	national account managers in connection with 14:35:14	13	e-mail or telephone. 14:36:55
14	approval of new customers for purposes of 14:35:17	14	Q. But we know at least from the 14:36:56
15	filling out the new customer checklist? 14:35:22	15	2008 to 2012 time period, there was no formal 14:37:01
16	MR. O'CONNOR: Objection to 14:35:24	16	documentation of that, correct? 14:37:04
17	form. 14:35:25	17	A. Not relative to every order 14:37:05
18	THE WITNESS: No. 14:35:25	18	that was flagged by the algorithm, correct. 14:37:08
19	QUESTIONS BY MR. KO: 14:35:25	19	Q. Okay. And separate and apart 14:37:10
20	Q. Okay. And how about with 14:35:26	20	from what's included in Ms. Stewart's notes, 14:37:15
21	respect to determining whether or not any 14:35:28	21	do you believe having salespeople involved in 14:37:19
22	orders of new customers were peculiar and/or 14:35:33	22	the identification of suspicious orders is a 14:37:21
23	suspicious? Did you believe that NAMs had 14:35:37	23	good thing? 14:37:25
24	any involvement in that process following the 14:35:41	24	MR. O'CONNOR: Objection to 14:37:26
25	fall of 2008? 14:35:45	25	form. 14:37:27

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1	THE WITNESS: No. They -- 14:37:27	1	believe that conflict of interest exists in 14:39:17
2	facilitating in the review, yes, but 14:37:31	2	having an individual who has a financial 14:39:20
3	not in the identification, no. I do 14:37:33	3	incentive to create new sales also determine 14:39:23
4	not think they should be involved. 14:37:36	4	whether or not an order is suspicious? 14:39:25
5	QUESTIONS BY MR. KO: 14:37:38	5	MR. O'CONNOR: Objection to 14:39:27
6	Q. Okay. And so if they were -- 14:37:39	6	form. 14:39:28
7	so I understand this is a hypothetical, but 14:37:43	7	THE WITNESS: I believe that 14:39:28
8	bear with me. 14:37:45	8	the greater incentive is regulatory 14:39:30
9	So would it be appropriate then 14:37:46	9	compliance and DEA compliance, as was 14:39:33
10	if a national account manager was the only 14:37:49	10	carried throughout our organization, 14:39:36
11	source for determining whether or not a 14:37:57	11	would override any financial 14:39:38
12	peculiar order was suspicious or not? 14:38:00	12	incentive. 14:39:40
13	A. Yes. 14:38:01	13	QUESTIONS BY MR. KO: 14:39:41
14	Q. It would be appropriate? 14:38:01	14	Q. Do you believe that the 14:39:42
15	A. Yes. 14:38:02	15	national account managers had -- believed 14:39:43
16	Q. So in that case, isn't the NAM 14:38:03	16	that they had a greater incentive to comply 14:39:45
17	the only person providing input as to whether 14:38:07	17	with the regulatory statutes laid out under 14:39:48
18	or not an order is suspicious? 14:38:09	18	the CSA? 14:39:51
19	A. Yes. 14:38:10	19	A. Yes. 14:39:53
20	Q. Okay. And so you're saying 14:38:15	20	Q. Okay. And you believe -- well, 14:39:54
21	that's okay? 14:38:16	21	strike that. 14:39:57
22	A. Yes. 14:38:17	22	Do you recall following the 14:39:57
23	Q. Okay. So you don't have any 14:38:17	23	date of this particular Buzzeo conference 14:40:13
24	problems, as someone who is in charge of 14:38:20	24	ever discussing removing NAMs from the 14:40:16
25	running a suspicious order monitoring 14:38:22	25	suspicious order monitoring and peculiar 14:40:22
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1	program, of having national account managers 14:38:24	1	order monitoring review structure? 14:40:22
2	who have an incentive for new sales and new 14:38:29	2	A. No. 14:40:25
3	business to be involved in the decision of 14:38:34	3	Q. Okay. Do you ever recall 14:40:27
4	whether or not to identify an order as 14:38:36	4	removing any member of sales force -- that 14:40:30
5	suspicious or not? 14:38:39	5	includes NAMs and customer service reps -- 14:40:33
6	MR. O'CONNOR: Objection to 14:38:39	6	from the peculiar order/suspicious order 14:40:37
7	form. 14:38:40	7	review system? 14:40:41
8	THE WITNESS: I do not have any 14:38:40	8	A. No. 14:40:43
9	problem with that. 14:38:44	9	Q. Okay. You can set this 14:40:43
10	QUESTIONS BY MR. KO: 14:38:45	10	document aside. 14:40:53
11	Q. Okay. National account 14:38:45	11	(Mallinckrodt-Harper Exhibit 14 14:40:57
12	managers at Mallinckrodt were compensated on 14:38:47	12	marked for identification.) 14:40:58
13	a commission -- or excuse me. 14:38:48	13	QUESTIONS BY MR. KO: 14:40:58
14	Do you have an understanding of 14:38:50	14	Q. I'm going to hand you a copy of 14:40:58
15	how national account managers were 14:38:52	15	what will be marked as Harper Exhibit 14. 14:40:59
16	compensated? 14:38:53	16	Now, do you recall -- I know 14:41:35
17	A. I do not. 14:38:53	17	you said you didn't recall the specifics of 14:41:54
18	Q. Do you understand that national 14:38:54	18	how NAMs were compensated at Mallinckrodt, 14:41:57
19	account managers had a -- received a 14:38:58	19	but do you know whether or not they received 14:41:59
20	commission based on the amount of sales 14:39:01	20	any bonuses based in part of the volume of 14:42:01
21	activity that they were able to retain? 14:39:04	21	their sales of controlled substances 14:42:03
22	A. I don't know how their pay is 14:39:06	22	manufactured by Mallinckrodt? 14:42:05
23	structured. 14:39:08	23	A. I do not know. 14:42:06
24	Q. Okay. Setting aside whether or 14:39:09	24	Q. Did you ever inquire as to 14:42:07
25	not you knew how NAMs were paid, don't you 14:39:12	25	whether or not they were being compensated on 14:42:10

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<p>1 that basis? 14:42:11</p> <p>2 A. Nope. 14:42:12</p> <p>3 Q. How come you never inquired 14:42:13</p> <p>4 about that? 14:42:15</p> <p>5 A. Because the controlled 14:42:15</p> <p>6 substances compliance group operated, to the 14:42:19</p> <p>7 extent it was possible, autonomously unless 14:42:21</p> <p>8 we needed guidance from the NAMs on specific 14:42:27</p> <p>9 orders. So I never knew how they were 14:42:30</p> <p>10 compensated, why. I don't know how much 14:42:32</p> <p>11 oxycodone was sold for. I don't know any of 14:42:34</p> <p>12 the financial pieces of that. 14:42:38</p> <p>13 Q. Sure. 14:42:38</p> <p>14 A. Thank you. 14:42:40</p> <p>15 Q. Okay. And you say that you 14:42:41</p> <p>16 needed -- at times you needed guidance from 14:42:45</p> <p>17 them on specific -- you needed guidance from 14:42:47</p> <p>18 NAMs on specific orders -- 14:42:50</p> <p>19 A. Uh-huh. 14:42:53</p> <p>20 Q. -- with respect to identifying 14:42:53</p> <p>21 a peculiar or suspicious order, correct? 14:42:55</p> <p>22 A. Not identifying but reviewing. 14:42:57</p> <p>23 Q. Reviewing. 14:43:00</p> <p>24 With the ultimate goal of 14:43:01</p> <p>25 trying to determine whether or not that order 14:43:02</p>	<p>1 QUESTIONS BY MR. KO: 14:43:47</p> <p>2 Q. Correct. 14:43:47</p> <p>3 But for some? 14:43:47</p> <p>4 A. For some, yes. 14:43:48</p> <p>5 Q. Okay. So is it the case that 14:43:50</p> <p>6 for some orders, national account managers 14:43:53</p> <p>7 played an integral role in determining 14:43:56</p> <p>8 whether or not a peculiar order was 14:43:59</p> <p>9 ultimately determined to be suspicious? 14:44:00</p> <p>10 MR. O'CONNOR: Objection to 14:44:02</p> <p>11 form. 14:44:03</p> <p>12 THE WITNESS: They assisted in 14:44:03</p> <p>13 the review, and the ultimate decision 14:44:05</p> <p>14 about whether the order was suspicious 14:44:06</p> <p>15 or not rests -- always did rest with 14:44:08</p> <p>16 the controlled substances compliance 14:44:11</p> <p>17 group. 14:44:12</p> <p>18 QUESTIONS BY MR. KO: 14:44:12</p> <p>19 Q. Including you and Mr. Ratliff, 14:44:13</p> <p>20 among other people, correct? 14:44:14</p> <p>21 A. Correct. 14:44:15</p> <p>22 Q. Okay. So if -- in the scenario 14:44:16</p> <p>23 we were just discussing, if the national 14:44:21</p> <p>24 account manager -- well, strike that. 14:44:25</p> <p>25 When the national account 14:44:28</p>
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<p>1 was suspicious, correct? 14:43:04</p> <p>2 A. Correct. 14:43:05</p> <p>3 Q. So NAMs played -- would you 14:43:06</p> <p>4 agree with me that NAMs played an integral 14:43:10</p> <p>5 role in determining whether or not an order 14:43:13</p> <p>6 could potentially be suspicious? 14:43:15</p> <p>7 MR. O'CONNOR: Objection to 14:43:16</p> <p>8 form. 14:43:18</p> <p>9 THE WITNESS: Certain orders. 14:43:18</p> <p>10 May I explain or -- 14:43:21</p> <p>11 QUESTIONS BY MR. KO: 14:43:23</p> <p>12 Q. Well, let me -- certain orders. 14:43:24</p> <p>13 Do you mean certain orders that were 14:43:25</p> <p>14 previously flagged as peculiar? 14:43:27</p> <p>15 A. Yes. 14:43:28</p> <p>16 Q. Okay. So once an order was 14:43:29</p> <p>17 flagged as peculiar, is it accurate to say 14:43:30</p> <p>18 that NAMs played an integral role in 14:43:34</p> <p>19 determining whether or not that peculiar 14:43:39</p> <p>20 order was ultimately deemed to be suspicious 14:43:41</p> <p>21 sufficient to notify the DEA? 14:43:45</p> <p>22 MR. O'CONNOR: Objection to 14:43:46</p> <p>23 form. 14:43:46</p> <p>24 THE WITNESS: Not every order. 14:43:46</p> <p>25</p>	<p>1 manager was assisting in the review of 14:44:38</p> <p>2 whether or not a peculiar order was deemed -- 14:44:39</p> <p>3 was going to be deemed as suspicious or not, 14:44:43</p> <p>4 can you think of any instances in which the 14:44:46</p> <p>5 input of the national account manager was the 14:44:53</p> <p>6 only input you received in making a 14:44:55</p> <p>7 determination of whether or not the order was 14:44:57</p> <p>8 suspicious? 14:44:59</p> <p>9 A. Yes, outside of the controlled 14:45:00</p> <p>10 substances compliance group, yes. 14:45:06</p> <p>11 Q. Were there instances in which 14:45:07</p> <p>12 the determination that the -- that you and 14:45:14</p> <p>13 Mr. Ratliff made as to whether an order was 14:45:17</p> <p>14 suspicious or not relied solely on the input 14:45:19</p> <p>15 of a national account manager? 14:45:23</p> <p>16 A. Yes. 14:45:24</p> <p>17 QUESTIONS BY MR. KO: 14:45:43</p> <p>18 Q. Okay. I'm going to hand you a 14:45:38</p> <p>19 copy of what's going to be marked as Harper 14:45:40</p> <p>20 Exhibit 14. 14:45:43</p> <p>21 MR. KO: And this is, for the 14:45:46</p> <p>22 record, an e-mail from Dave Hunter to 14:45:51</p> <p>23 several people, including you, on 14:45:55</p> <p>24 November 19, 2009, and Bates ending in 14:45:58</p> <p>25 278806. 14:46:03</p>

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<p>1 QUESTIONS BY MR. KO: 14:46:03</p> <p>2 Q. Do you recall this -- or do you 14:46:13</p> <p>3 have any reason to dispute that you received 14:46:15</p> <p>4 this e-mail? 14:46:16</p> <p>5 A. I have no reason to dispute. 14:46:17</p> <p>6 Q. Okay. And here Mr. Hunter is 14:46:18</p> <p>7 attaching notes from the Buzzeo conference I 14:46:21</p> <p>8 believe he attends in 2009; is that correct? 14:46:27</p> <p>9 A. Yes. Seeing this, so, yes. 14:46:29</p> <p>10 Q. Okay. And do you recall 14:46:33</p> <p>11 attending this particular Buzzeo conference 14:46:34</p> <p>12 as well? 14:46:35</p> <p>13 A. I do not. 14:46:35</p> <p>14 Q. Okay. So you recall attending 14:46:36</p> <p>15 the 2008 Buzzeo conference with Ms. Stewart, 14:46:39</p> <p>16 but you don't recall attending this 14:46:41</p> <p>17 conference with Mr. Hunter; is that fair? 14:46:43</p> <p>18 A. That's fair. 14:46:46</p> <p>19 Q. Okay. Do you recall Mr. Hunter 14:46:48</p> <p>20 sending these notes to you about what 14:46:54</p> <p>21 transpired at this particular Buzzeo 14:46:59</p> <p>22 conference? 14:47:01</p> <p>23 A. I do not specifically recall 14:47:02</p> <p>24 it, but I can refamiliarize myself with the 14:47:05</p> <p>25 content. 14:47:08</p>	<p>1 MR. O'CONNOR: Objection to 14:48:07</p> <p>2 form. 14:48:08</p> <p>3 THE WITNESS: So all suspicious 14:48:08</p> <p>4 order monitoring systems, not 14:48:14</p> <p>5 necessarily unique to Mallinckrodt, 14:48:15</p> <p>6 yes. 14:48:16</p> <p>7 QUESTIONS BY MR. KO: 14:48:16</p> <p>8 Q. Right. Right. 14:48:16</p> <p>9 So as a general matter in 2009, 14:48:17</p> <p>10 would you agree with the statement that 14:48:19</p> <p>11 suspicious order monitoring continued to be 14:48:22</p> <p>12 given close scrutiny by the DEA? 14:48:25</p> <p>13 A. Yes. 14:48:27</p> <p>14 Q. Okay. And the question is 14:48:28</p> <p>15 asked, "Are there any plans for DEA to 14:48:31</p> <p>16 publicize information to implement?" 14:48:35</p> <p>17 Do you see that? 14:48:37</p> <p>18 A. Yes. 14:48:38</p> <p>19 Q. "SOM incorporate algorithms 14:48:39</p> <p>20 where products are more likely to be 14:48:43</p> <p>21 diverted." 14:48:45</p> <p>22 Did I read that correctly as 14:48:47</p> <p>23 well? 14:48:48</p> <p>24 A. You did. 14:48:48</p> <p>25 Q. Okay. And there is a response 14:48:50</p>
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<p>1 Q. Sure. 14:47:08</p> <p>2 And there are notes. I just 14:47:09</p> <p>3 want to turn to the first page of notes that 14:47:11</p> <p>4 he drafts. These appear to be notes that he 14:47:17</p> <p>5 has created following his attendance at the 14:47:20</p> <p>6 2009 Buzzeo conference; is that correct? 14:47:24</p> <p>7 A. Yes. 14:47:25</p> <p>8 Q. And looking down at the bottom 14:47:28</p> <p>9 of this page, he indicates where I'm 14:47:32</p> <p>10 highlighting right now, "Sir, suspicious 14:47:34</p> <p>11 order monitoring was certainly a hotbed of 14:47:37</p> <p>12 discussion." 14:47:39</p> <p>13 Do you see that? 14:47:40</p> <p>14 A. So that's a question, yes, 14:47:40</p> <p>15 that's a question as documented here. 14:47:44</p> <p>16 Q. Right. 14:47:45</p> <p>17 And it's a question by someone 14:47:46</p> <p>18 in the audience, some registrant or someone 14:47:47</p> <p>19 who attended the conference, correct? 14:47:50</p> <p>20 A. Yes. 14:47:51</p> <p>21 Q. Okay. And so it's fair to say 14:47:52</p> <p>22 that as of the fall of 2009, their 14:47:57</p> <p>23 continual -- there's continual attention and 14:48:01</p> <p>24 scrutiny being given to Mallinckrodt's 14:48:02</p> <p>25 suspicious order monitoring system? 14:48:05</p>	<p>1 given by someone at DEA, it appears. 14:48:51</p> <p>2 Do you see that? 14:48:54</p> <p>3 A. Yes. 14:48:54</p> <p>4 Q. And that's Jim Crawford. 14:48:55</p> <p>5 Did you know who he has? 14:48:57</p> <p>6 A. Yes. 14:48:59</p> <p>7 Q. Okay. Did you communicate with 14:49:00</p> <p>8 him at all during the 2008, 2012 time period? 14:49:01</p> <p>9 A. No. 14:49:04</p> <p>10 Q. Okay. But you just knew -- you 14:49:05</p> <p>11 just knew who he was, but you didn't 14:49:08</p> <p>12 necessarily communicate with him? 14:49:10</p> <p>13 A. Correct. He and Mark Caverly 14:49:11</p> <p>14 spoke at the end of every Buzzeo conference. 14:49:15</p> <p>15 Q. Got it. 14:49:16</p> <p>16 And it's -- he says in response 14:49:17</p> <p>17 to this question, quote, "Whatever we put out 14:49:20</p> <p>18 will be outdated by the time we put it out. 14:49:24</p> <p>19 You're looking at a number. Tell me how much 14:49:27</p> <p>20 that we can exceed. DEA can't do that. It's 14:49:30</p> <p>21 part of your due diligence, knowing your 14:49:33</p> <p>22 customer," end quote. 14:49:37</p> <p>23 Did I read that correctly? 14:49:38</p> <p>24 A. Yes. 14:49:39</p> <p>25 Q. Okay. So this appears to be 14:49:39</p>

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<p>1 some Q&As in which -- there is a question in 14:49:41</p> <p>2 which registrants are asking whether or not 14:49:44</p> <p>3 DEA will give guidance on an appropriate 14:49:48</p> <p>4 suspicious order monitoring algorithm. 14:49:54</p> <p>5 Is that a fair characterization 14:49:55</p> <p>6 of the question that was asked? 14:49:56</p> <p>7 MR. O'CONNOR: Objection to 14:49:58</p> <p>8 form. 14:49:58</p> <p>9 THE WITNESS: Yes. 14:49:58</p> <p>10 QUESTIONS BY MR. KO: 14:49:59</p> <p>11 Q. And the response given was that 14:49:59</p> <p>12 DEA was not going to provide such concrete 14:50:03</p> <p>13 guidance; is that correct? 14:50:06</p> <p>14 A. I'd like to reread the answer, 14:50:06</p> <p>15 please. 14:50:10</p> <p>16 Q. Sure. 14:50:10</p> <p>17 A. Yes, that's the gist of the 14:50:11</p> <p>18 response, yes. 14:50:19</p> <p>19 Q. Okay. So as of the fall 14:50:20</p> <p>20 of 2009, is it accurate to say that 14:50:22</p> <p>21 Mr. Hunter informed you that the DEA was not 14:50:27</p> <p>22 going to give concrete guidance as to what 14:50:31</p> <p>23 particular algorithm to implement? 14:50:33</p> <p>24 A. Yes. 14:50:35</p> <p>25 Q. Okay. Now, the following 14:50:36</p>	<p>1 (Off the record at 2:51 p.m.) 14:51:40</p> <p>2 VIDEOGRAPHER: We are back on 15:10:02</p> <p>3 the record at 3:10 p.m. 15:10:03</p> <p>4 QUESTIONS BY MR. KO: 15:10:05</p> <p>5 Q. Now, Mr. Harper {sic}, is it 15:10:08</p> <p>6 fair to say from the 2008 through 2009 time 15:10:10</p> <p>7 period you are continually working to revise 15:10:16</p> <p>8 and improve the enhanced suspicious order 15:10:17</p> <p>9 monitoring system at Mallinckrodt, correct? 15:10:20</p> <p>10 A. Correct. 15:10:22</p> <p>11 Q. Okay. And you also continue to 15:10:22</p> <p>12 work on peculiar order algorithms in the 2008 15:10:27</p> <p>13 through 2009 time period, correct? 15:10:33</p> <p>14 A. Correct. 15:10:34</p> <p>15 Q. And with respect to the 15:10:34</p> <p>16 checklists we were discussing previously, 15:10:36</p> <p>17 you're continually working on revising and 15:10:38</p> <p>18 implementing a -- both a new customer 15:10:41</p> <p>19 checklist and a customer checklist throughout 15:10:45</p> <p>20 the 2008 and 2009 time period, correct? 15:10:47</p> <p>21 A. Correct. 15:10:49</p> <p>22 (Mallinckrodt-Harper Exhibit 15 15:11:00</p> <p>23 marked for identification.) 15:11:00</p> <p>24 QUESTIONS BY MR. KO: 15:11:00</p> <p>25 Q. Okay. I'm going to hand you a 15:11:01</p>
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<p>1 question by someone in the audience was, 14:50:39</p> <p>2 "Well, what then does the DEA expect?" 14:50:43</p> <p>3 And a response was given by 14:50:45</p> <p>4 Mr. Caverly. It says, quote, "Previously DEA 14:50:47</p> <p>5 sat down with National Drug Association with 14:50:51</p> <p>6 an algorithm. DEA standpoint: You know our 14:50:55</p> <p>7 customers better than we do. DEA stepped 14:50:59</p> <p>8 away from providing guidelines. It is not 14:51:01</p> <p>9 going to happen," end quote. 14:51:04</p> <p>10 Did I read that correctly? 14:51:06</p> <p>11 A. Yes. 14:51:06</p> <p>12 Q. So as of the date of this 14:51:07</p> <p>13 e-mail in the fall of 2009, you understood 14:51:09</p> <p>14 that the DEA was not going to provide 14:51:12</p> <p>15 guidelines with respect to SOM algorithms, 14:51:15</p> <p>16 correct? 14:51:18</p> <p>17 A. Yes. 14:51:18</p> <p>18 Q. You can set that aside. 14:51:25</p> <p>19 MR. O'CONNOR: We've been going 14:51:29</p> <p>20 about an hour 15. Maybe we should 14:51:30</p> <p>21 take a break. 14:51:32</p> <p>22 MR. KO: Yeah, we can take a 14:51:32</p> <p>23 break. Sounds good. 14:51:34</p> <p>24 VIDEOGRAPHER: We are going off 14:51:37</p> <p>25 the record at 2:51 p.m. 14:51:39</p>	<p>1 copy of what's going to be marked as Harper 15:11:02</p> <p>2 Exhibit 15. And in conjunction with that, 15:11:06</p> <p>3 I'm going to hand you also a document that's 15:11:13</p> <p>4 previously been identified as Exhibit 35 of 15:11:14</p> <p>5 the Stewart deposition. They're both right 15:11:16</p> <p>6 here. 15:11:22</p> <p>7 For the record, Harper 15:11:23</p> <p>8 Exhibit 15 ends in Bates stamp 270090. 15:11:24</p> <p>9 And of course the second 15:11:31</p> <p>10 document I referenced was Stewart Exhibit 35 15:11:33</p> <p>11 that ends in 477900. 15:11:37</p> <p>12 Now, turning your attention 15:11:43</p> <p>13 first to the e-mail identified as Harper 15:11:44</p> <p>14 Exhibit 15, this is an e-mail exchange you 15:11:48</p> <p>15 had with Eileen Spalding dated October 31, 15:11:53</p> <p>16 2010, correct? 15:11:59</p> <p>17 A. Correct. 15:11:59</p> <p>18 Q. And earlier when I had -- just 15:12:00</p> <p>19 a moment ago when we were discussing 15:12:05</p> <p>20 continual revisions and enhancements to 15:12:06</p> <p>21 Mallinckrodt's SOM program in the 2008 and 15:12:11</p> <p>22 2009 time period, it's also safe to say that 15:12:14</p> <p>23 in 2010 you're also continually working on 15:12:18</p> <p>24 improving the SOM program, correct? 15:12:21</p> <p>25 A. Correct. 15:12:22</p>

<p style="text-align: right;">Page 302</p> <p>1 Q. And in fact, that work 15:12:23</p> <p>2 continues in 2011 as well? 15:12:25</p> <p>3 A. Yes. 15:12:27</p> <p>4 Q. When would you say you actually 15:12:28</p> <p>5 implemented a procedure or an SOM policy that 15:12:31</p> <p>6 sufficiently addressed some of the concerns 15:12:37</p> <p>7 you raised in the 2008 time period with 15:12:41</p> <p>8 respect to Mallinckrodt's SOM program? 15:12:43</p> <p>9 MR. O'CONNOR: Objection. 15:12:46</p> <p>10 Form. 15:12:46</p> <p>11 THE WITNESS: I don't know the 15:12:46</p> <p>12 first date of the publication. Again, 15:12:47</p> <p>13 just as the program is constantly 15:12:50</p> <p>14 being enhanced, we're constantly 15:12:53</p> <p>15 updating our procedure, so I don't 15:12:56</p> <p>16 have the date of the publication. I'm 15:12:57</p> <p>17 sorry. 15:12:58</p> <p>18 QUESTIONS BY MR. KO: 15:12:58</p> <p>19 Q. And is it -- do you have a 15:12:59</p> <p>20 general understanding of the approximate time 15:13:01</p> <p>21 period of the date of publication? 15:13:03</p> <p>22 Do you recall whether or not it 15:13:04</p> <p>23 was after 2011? 15:13:05</p> <p>24 A. I don't recall. 15:13:07</p> <p>25 Q. Okay. 15:13:08</p>	<p style="text-align: right;">Page 304</p> <p>1 A. "Basically, during the last two 15:14:06</p> <p>2 years, all peculiar orders that were on the 15:14:09</p> <p>3 daily report were investigated by CSR 15:14:13</p> <p>4 manager, were deemed to be okay, and none 15:14:18</p> <p>5 rose to the level of peculiar. As you will 15:14:21</p> <p>6 see, it was not feasible to forward the 15:14:26</p> <p>7 peculiar order report to DEA due to the 15:14:28</p> <p>8 lengthiness as we were tweaking the 15:14:34</p> <p>9 algorithms." 15:14:36</p> <p>10 Q. Okay. And in the e-mail above, 15:14:37</p> <p>11 you amend your statement about none rising to 15:14:40</p> <p>12 the level of peculiar. And what you actually 15:14:45</p> <p>13 meant was that no peculiar orders rose to the 15:14:47</p> <p>14 level of suspicious; is that correct? 15:14:50</p> <p>15 A. That is correct. 15:14:52</p> <p>16 Q. So as of October 31, 2010, is 15:14:53</p> <p>17 it accurate to say that Mallinckrodt did not 15:14:59</p> <p>18 identify a single suspicious order between 15:15:02</p> <p>19 beginning of 2000 -- excuse me, between 15:15:07</p> <p>20 August of 2008 to October 31, 2010? 15:15:11</p> <p>21 MR. O'CONNOR: Objection to 15:15:15</p> <p>22 form. 15:15:17</p> <p>23 THE WITNESS: None that rose to 15:15:17</p> <p>24 the level of suspicious and reported 15:15:19</p> <p>25 to DEA, that is correct. 15:15:22</p>
<p style="text-align: right;">Page 303</p> <p>1 A. I just don't know. 15:13:08</p> <p>2 Q. You remember a meeting you had 15:13:09</p> <p>3 with DEA in 2011, often referred to as the 15:13:12</p> <p>4 earthquake meeting? Correct? 15:13:14</p> <p>5 A. Yes. 15:13:16</p> <p>6 Q. And it's referred to in that 15:13:17</p> <p>7 manner because there was an earthquake that 15:13:18</p> <p>8 day outside of DC, in Virginia in particular? 15:13:20</p> <p>9 A. Yes. 15:13:23</p> <p>10 Q. As of the date of that meeting, 15:13:24</p> <p>11 you had not yet adopted a formal procedure 15:13:28</p> <p>12 for the enhanced SOM program, correct? 15:13:31</p> <p>13 MR. O'CONNOR: Objection to 15:13:34</p> <p>14 form. 15:13:35</p> <p>15 THE WITNESS: I don't know what 15:13:35</p> <p>16 date we wrote the procedure, so I 15:13:36</p> <p>17 can't make -- I cannot answer, I'm 15:13:38</p> <p>18 sorry. 15:13:40</p> <p>19 QUESTIONS BY MR. KO: 15:13:40</p> <p>20 Q. Fair enough. Okay. 15:13:40</p> <p>21 So turning back to this 15:13:42</p> <p>22 particular exhibit, in the second paragraph 15:13:46</p> <p>23 of the bottom e-mail starting with 15:14:01</p> <p>24 "Basically," can you read that for the 15:14:04</p> <p>25 record? 15:14:06</p>	<p style="text-align: right;">Page 305</p> <p>1 QUESTIONS BY MR. KO: 15:15:23</p> <p>2 Q. Right. 15:15:24</p> <p>3 And so we had discussed earlier 15:15:24</p> <p>4 about the significant amount of diversion and 15:15:30</p> <p>5 abuse of Mallinckrodt pills that occurred in 15:15:34</p> <p>6 Florida in the 2008 through 2012 time period. 15:15:36</p> <p>7 Do you recall that? 15:15:38</p> <p>8 MR. O'CONNOR: Objection. 15:15:38</p> <p>9 THE WITNESS: Significant is 15:15:39</p> <p>10 your word, but, yes, the diversion, 15:15:40</p> <p>11 yes. 15:15:42</p> <p>12 QUESTIONS BY MR. KO: 15:15:42</p> <p>13 Q. You recall that we discussed 15:15:44</p> <p>14 diversion and abuse of Mallinckrodt pills 15:15:47</p> <p>15 occurring in Florida throughout the 2008 15:15:49</p> <p>16 through 2012 time period, correct? 15:15:51</p> <p>17 A. Yes. 15:15:53</p> <p>18 Q. Okay. And during at least a 15:15:54</p> <p>19 two-year time period between 2008 and 2010, 15:15:58</p> <p>20 Mallinckrodt's suspicious order monitoring 15:16:01</p> <p>21 policy and system did not identify a single 15:16:04</p> <p>22 suspicious order, correct? 15:16:07</p> <p>23 A. Correct. 15:16:08</p> <p>24 Q. Okay. And in the third 15:16:10</p> <p>25 paragraph below in your e-mail you state, 15:16:13</p>

<p style="text-align: right;">Page 306</p> <p>1 quote, "It is significant to note that 15:16:18</p> <p>2 neither Sunrise or Harvard triggered the 15:16:21</p> <p>3 algorithms that were in place for direct 15:16:23</p> <p>4 customers because we were looking at overall 15:16:25</p> <p>5 purchase trends for each distributor, not 15:16:26</p> <p>6 reviewing where the distributors were sending 15:16:29</p> <p>7 our product, and our program met CFR 15:16:31</p> <p>8 requirements. In essence, the program was 15:16:37</p> <p>9 expanded within the last month to our 15:16:41</p> <p>10 customers' customers." 15:16:43</p> <p>11 Did I read that correctly? 15:16:45</p> <p>12 A. Yes. 15:16:45</p> <p>13 Q. Now, Sunrise and Harvard were 15:16:46</p> <p>14 two distributors that were customers of 15:16:48</p> <p>15 Mallinckrodt, correct? 15:16:49</p> <p>16 A. Correct. 15:16:50</p> <p>17 Q. And they both had their license 15:16:50</p> <p>18 eventually suspended by the DEA at some time 15:16:52</p> <p>19 in the 2010 time period? 15:16:54</p> <p>20 A. Correct. 15:16:56</p> <p>21 Q. And so they had their licenses 15:16:57</p> <p>22 suspended because they were selling to 15:17:01</p> <p>23 customers, and in particular, pharmacies and 15:17:03</p> <p>24 pain clinics that were engaged in 15:17:11</p> <p>25 diversion -- 15:17:13</p>	<p style="text-align: right;">Page 308</p> <p>1 monitoring system did not trigger the 15:17:53</p> <p>2 algorithms that were in place for that time 15:17:56</p> <p>3 period. And I presume the algorithms you're 15:18:01</p> <p>4 discussing are the peculiar order algorithms, 15:18:04</p> <p>5 correct? 15:18:06</p> <p>6 A. Correct. 15:18:06</p> <p>7 Q. So in other words, because 15:18:07</p> <p>8 their orders were not either [REDACTED] or 15:18:10</p> <p>9 potentially [REDACTED] of the prior fiscal year, as 15:18:13</p> <p>10 we previously discussed, there was never a 15:18:18</p> <p>11 peculiar order flag that was raised with 15:18:23</p> <p>12 respect to their orders -- 15:18:25</p> <p>13 MR. O'CONNOR: Objection to 15:18:26</p> <p>14 form. 15:18:27</p> <p>15 QUESTIONS BY MR. KO: 15:18:27</p> <p>16 Q. -- fair? 15:18:27</p> <p>17 A. Fair. 15:18:27</p> <p>18 Q. Okay. And you note that your 15:18:28</p> <p>19 suspicious order monitoring system at the 15:18:32</p> <p>20 time was unable to identify whether or not 15:18:33</p> <p>21 certain of their orders were suspicious 15:18:37</p> <p>22 because, of course, you just had a peculiar 15:18:39</p> <p>23 order algorithm that was based on a metric of 15:18:43</p> <p>24 orders relative to prior order history. 15:18:49</p> <p>25 MR. O'CONNOR: Objection to 15:18:52</p>
<p style="text-align: right;">Page 307</p> <p>1 MR. O'CONNOR: Objection to 15:17:13</p> <p>2 form. 15:17:13</p> <p>3 QUESTIONS BY MR. KO: 15:17:13</p> <p>4 Q. -- correct? 15:17:14</p> <p>5 A. That is what was reported in 15:17:14</p> <p>6 the media, yes. 15:17:17</p> <p>7 Q. Okay. And was it -- and in 15:17:18</p> <p>8 addition to what was reported in the media, 15:17:20</p> <p>9 you eventually acquired some level of 15:17:22</p> <p>10 knowledge of certain orders that Sunrise and 15:17:24</p> <p>11 Harvard had shipped to pharmacies and clinics 15:17:28</p> <p>12 in Florida, did you not? 15:17:31</p> <p>13 MR. O'CONNOR: Objection to 15:17:33</p> <p>14 form. 15:17:33</p> <p>15 THE WITNESS: Yes. 15:17:33</p> <p>16 QUESTIONS BY MR. KO: 15:17:33</p> <p>17 Q. Okay. And so ultimately 15:17:34</p> <p>18 Sunrise and Harvard had their license 15:17:36</p> <p>19 suspended by the DEA due to suspicious orders 15:17:38</p> <p>20 that they had shipped in at least the 2008 15:17:41</p> <p>21 through 2000 {sic} time period; is that 15:17:46</p> <p>22 correct? 15:17:48</p> <p>23 A. Yes. 15:17:48</p> <p>24 Q. Okay. And here you're 15:17:49</p> <p>25 indicating that your suspicious order 15:17:50</p>	<p style="text-align: right;">Page 309</p> <p>1 form. 15:18:53</p> <p>2 THE WITNESS: So enabling is 15:18:53</p> <p>3 paraphrasing, but we were looking at 15:18:56</p> <p>4 different purchasing trends and not at 15:19:01</p> <p>5 the downstream registrant. 15:19:05</p> <p>6 QUESTIONS BY MR. KO: 15:19:07</p> <p>7 Q. Right. 15:19:07</p> <p>8 And I didn't say -- just so the 15:19:08</p> <p>9 record is clear, I didn't say "enable"; I 15:19:09</p> <p>10 said "unable." 15:19:12</p> <p>11 A. Unable, yes. 15:19:12</p> <p>12 Q. Right. 15:19:13</p> <p>13 So Mallinckrodt's suspicious 15:19:14</p> <p>14 order monitoring program at the time was 15:19:15</p> <p>15 unable to identify any suspicious orders of 15:19:17</p> <p>16 Sunrise or Harvard because you were merely 15:19:23</p> <p>17 looking at a numerical metric of order 15:19:26</p> <p>18 history -- of orders relative to order 15:19:31</p> <p>19 history of Sunrise and Harvard, correct? 15:19:33</p> <p>20 MR. O'CONNOR: Objection. 15:19:35</p> <p>21 Form. 15:19:36</p> <p>22 THE WITNESS: Correct. 15:19:37</p> <p>23 QUESTIONS BY MR. KO: 15:19:37</p> <p>24 Q. Okay. At the time that you 15:19:45</p> <p>25 learned that Sunrise and Harvard had their 15:19:45</p>

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1	licenses suspended by the DEA, did that 15:19:48	1	this chronology is the chronology that you 15:21:41
2	concern you? 15:19:50	2	conveyed to Ms. Spaulding? 15:21:44
3	A. Yes. 15:19:50	3	A. Yes, I believe it is. 15:21:47
4	Q. Okay. And it also -- and it 15:19:50	4	Q. Okay. And does the 15:21:48
5	concerned you because you had been unable to 15:19:52	5	chronology -- indicates that in the fall 15:22:04
6	detect the fact that they actually had 15:19:56	6	of 2008 -- well, first of all, there's a 15:22:07
7	shipped many suspicious orders, according to 15:19:58	7	reference made at the top of the page to an 15:22:09
8	the DEA, prior to 2010, correct? 15:20:00	8	old version that was being sent to DEA 15:22:11
9	MR. O'CONNOR: Objection to 15:20:01	9	Albany. 15:22:15
10	form. 15:20:02	10	Do you see that? 15:22:16
11	THE WITNESS: It concerned me 15:20:02	11	A. Yes, I do. 15:22:16
12	because they were direct customers of 15:20:05	12	Q. And in your chronology you 15:22:16
13	Mallinckrodt. 15:20:06	13	indicate, quote, "This reporting system was 15:22:22
14	QUESTIONS BY MR. KO: 15:20:07	14	discontinued at the direction of suspicious 15:22:24
15	Q. Okay. And they were direct 15:20:07	15	order monitoring team pending new order 15:22:27
16	customers of Mallinckrodt that had 15:20:09	16	algorithms that the SOM team was working to 15:22:30
17	Mallinckrodt pills sold to pharmacies and 15:20:12	17	establish." 15:22:32
18	clinics -- strike that. 15:20:16	18	Did I read that correctly? 15:22:33
19	When you say it concerned you 15:20:22	19	A. Yes. 15:22:33
20	because they were direct customers of 15:20:27	20	Q. So, again, in the fall of 2008, 15:22:35
21	Mallinckrodt, is it also accurate to say that 15:20:28	21	you are continually working on revising the 15:22:37
22	you were concerned because Mallinckrodt pills 15:20:30	22	SOM program, correct? 15:22:40
23	may have been diverted or abused as a result 15:20:37	23	A. Correct. 15:22:41
24	of shipments made by Sunrise and Harvard? 15:20:40	24	Q. And you had abandoned a 15:22:42
25	MR. O'CONNOR: Objection to 15:20:42	25	reporting system that was in place to send 15:22:45
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1	form. 15:20:43	1	reports to DEA Albany as of this date, 15:22:49
2	THE WITNESS: Yes. 15:20:44	2	correct? 15:22:52
3	QUESTIONS BY MR. KO: 15:20:46	3	A. Yes. 15:22:52
4	Q. Okay. Now, I want to turn to 15:20:47	4	Q. Okay. Turning to the next 15:22:54
5	the -- you can keep the e-mail in front of 15:20:49	5	page, there's an indication on February 16, 15:23:11
6	you if you'd like, but this document which is 15:20:53	6	2009, that "SOM draft procedure sent to legal 15:23:18
7	Exhibit 35, that appears to be a chronology 15:20:58	7	department for further review relative to new 15:23:22
8	of the suspicious order monitoring program 15:21:03	8	tasks being created as part of the revised 15:23:29
9	from August 2008 through 2010; is that 15:21:05	9	program." 15:23:31
10	correct? 15:21:08	10	Do you see that? 15:23:31
11	A. That is correct. 15:21:08	11	A. Yes. 15:23:31
12	Q. And it's specifically a 15:21:08	12	Q. So legal played a part in the 15:23:31
13	chronology of the SOM program regarding 15:21:12	13	review of the SOM draft procedures and the 15:23:33
14	Mallinckrodt's dosage products during that 15:21:14	14	ultimate implementation of the revised SOM 15:23:36
15	time period, correct? 15:21:17	15	program; is that fair to say? 15:23:39
16	A. Correct. 15:21:17	16	A. Yes. 15:23:40
17	Q. And in Exhibit 15, you 15:21:18	17	Q. Okay. And do you recall 15:23:40
18	reference to Ms. Spaulding a chronology, a 15:21:22	18	working with Mr. Lohman and Ms. Duft in 15:23:41
19	lengthy chronology, to try and get her up to 15:21:25	19	connection with implementation of the revised 15:23:45
20	speed on what has occurred with respect to 15:21:28	20	SOM program? 15:23:47
21	Mallinckrodt's SOM program. 15:21:30	21	A. Yes. 15:23:48
22	Do you see a reference to that? 15:21:32	22	Q. Is it fair to say that they 15:23:48
23	It'll be at the -- 15:21:38	23	had -- in addition to working with them, is 15:23:54
24	A. Yes, yes, I do. 15:21:39	24	it fair to say that they had -- or how would 15:23:56
25	Q. Do you recall whether or not 15:21:41	25	you describe their involvement in the 15:24:01

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<p>1 implementation of the revised SOM program? 15:24:02</p> <p>2 MR. O'CONNOR: I'm just going 15:24:05</p> <p>3 to remind the witness not to get into 15:24:06</p> <p>4 any specific communications with 15:24:07</p> <p>5 counsel. 15:24:08</p> <p>6 THE WITNESS: They were 15:24:09</p> <p>7 contributors and reviewers in terms of 15:24:13</p> <p>8 the current system set of enhancements 15:24:15</p> <p>9 that we were working on. 15:24:17</p> <p>10 QUESTIONS BY MR. KO: 15:24:18</p> <p>11 Q. Sure. 15:24:18</p> <p>12 And do you recall how 15:24:18</p> <p>13 frequently you communicated with them during 15:24:22</p> <p>14 this time period? 15:24:24</p> <p>15 A. I do not. 15:24:25</p> <p>16 Q. Okay. Do you recall whether or 15:24:26</p> <p>17 not it was monthly communications with them 15:24:27</p> <p>18 or weekly communications? 15:24:30</p> <p>19 A. I do not. 15:24:32</p> <p>20 Q. Relative to other people that 15:24:33</p> <p>21 you had worked with in connection with 15:24:35</p> <p>22 revising the SOM policy, do you have any 15:24:36</p> <p>23 understanding of whether or not their 15:24:40</p> <p>24 involvement was higher or lower than, for 15:24:42</p> <p>25 example, your interactions with Mr. Ratliff 15:24:47</p>	<p>1 than the interaction you had with other 15:25:26</p> <p>2 groups? 15:25:29</p> <p>3 A. I don't know. I can't say. 15:25:30</p> <p>4 Q. Okay. 15:25:33</p> <p>5 A. I can't answer. 15:25:33</p> <p>6 Q. Do you recall if you had any 15:25:33</p> <p>7 kind of day-to-day communication with them? 15:25:35</p> <p>8 A. I don't recall, but I do not 15:25:37</p> <p>9 think so. 15:25:43</p> <p>10 Q. Okay. Now, on the next -- 15:25:43</p> <p>11 well, the next entry is redacted, but the 15:25:50</p> <p>12 entry after that dated March 2, 2009, 15:25:52</p> <p>13 indicates that "Mr. Rausch continues to work 15:25:54</p> <p>14 with IS to define the criteria of what would 15:25:57</p> <p>15 be peculiar -- what would be a peculiar order 15:25:59</p> <p>16 and how to determine programmatic flags for 15:26:01</p> <p>17 detection." 15:26:05</p> <p>18 Did I read that correctly? 15:26:06</p> <p>19 A. Yes, you did. 15:26:06</p> <p>20 Q. Okay. And perhaps it might 15:26:09</p> <p>21 mean to say problematic, but in any way, we 15:26:10</p> <p>22 don't need to guess. 15:26:14</p> <p>23 It's fair to say that as of 15:26:17</p> <p>24 March 2, 2009, Jim Rausch is continuing to 15:26:19</p> <p>25 try and define the criteria of what 15:26:24</p>
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<p>1 in the security department? 15:24:49</p> <p>2 MR. O'CONNOR: Objection to 15:24:53</p> <p>3 form. 15:24:53</p> <p>4 THE WITNESS: I'm sorry, I 15:24:53</p> <p>5 thought you were talking about legal. 15:24:54</p> <p>6 QUESTIONS BY MR. KO: 15:24:55</p> <p>7 Q. I am. And I'm just trying to 15:24:55</p> <p>8 get an understanding -- 15:24:57</p> <p>9 A. Okay. 15:24:57</p> <p>10 Q. Because since you can't 15:24:59</p> <p>11 necessarily recall how involved they were, 15:25:01</p> <p>12 I'm just trying to get an understanding of 15:25:03</p> <p>13 perhaps seeing if you knew how much they were 15:25:05</p> <p>14 involved relative to other groups that were 15:25:07</p> <p>15 part of the SOM team. 15:25:08</p> <p>16 So it's fair to say that they 15:25:09</p> <p>17 were part of the SOM -- legal was part of the 15:25:10</p> <p>18 SOM team, correct? 15:25:13</p> <p>19 A. Correct. 15:25:13</p> <p>20 Q. And you had some interaction 15:25:14</p> <p>21 with them in implementing an SOM program, 15:25:16</p> <p>22 correct? 15:25:19</p> <p>23 A. Correct. 15:25:19</p> <p>24 Q. And would you say that that 15:25:20</p> <p>25 involvement or interaction was more or less 15:25:22</p>	<p>1 constitutes a peculiar order. 15:26:26</p> <p>2 MR. O'CONNOR: Objection. 15:26:27</p> <p>3 QUESTIONS BY MR. KO: 15:26:27</p> <p>4 Q. Correct? 15:26:28</p> <p>5 A. That is correct. 15:26:28</p> <p>6 Q. And IS is information systems? 15:26:29</p> <p>7 A. Yes, that's correct. 15:26:31</p> <p>8 Q. And was there a point person 15:26:32</p> <p>9 in -- at IS that you worked with or you knew 15:26:34</p> <p>10 was part of the SOM team? 15:26:37</p> <p>11 A. I don't know. 15:26:39</p> <p>12 Q. Okay. Now, further down on 15:26:41</p> <p>13 June 29, 2009, you indicate that "revised 15:26:48</p> <p>14 questionnaire -- customer questionnaires are 15:26:54</p> <p>15 submitted to legal that have been updated 15:26:56</p> <p>16 based upon CSF focus group meetings Jim 15:26:58</p> <p>17 Rausch and Cathy Stewart conducted with 15:27:02</p> <p>18 CSRs." 15:27:04</p> <p>19 Did I read that correctly? 15:27:05</p> <p>20 A. Yes. 15:27:05</p> <p>21 Q. So again, you're continually 15:27:06</p> <p>22 working on the customer checklists or 15:27:07</p> <p>23 questionnaires that will be submitted to 15:27:10</p> <p>24 Mallinckrodt customers in connection with the 15:27:13</p> <p>25 SOM program; fair to say? 15:27:15</p>

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<p>1 A. Yes. 15:27:17</p> <p>2 Q. Okay. And the -- by the way, 15:27:18</p> <p>3 in this chronology that you drafted, you 15:27:36</p> <p>4 represented to Eileen that this was an 15:27:40</p> <p>5 attempt by you to provide an extensive 15:27:44</p> <p>6 chronology on SOM activities during this 15:27:49</p> <p>7 two-year time period. 15:27:52</p> <p>8 Why were you providing this to 15:27:52</p> <p>9 her? 15:27:56</p> <p>10 A. I was assigned at the St. Louis 15:27:56</p> <p>11 plant, working in the plant during a work 15:27:57</p> <p>12 stoppage which had gone on for an extended 15:28:00</p> <p>13 period of time, months, and so I wanted to 15:28:04</p> <p>14 update Eileen on the status of the current 15:28:07</p> <p>15 system of enhancements. 15:28:10</p> <p>16 Q. Okay. And do you recall 15:28:11</p> <p>17 whether or not you may have provided this to 15:28:13</p> <p>18 her in preparation for any meetings that she 15:28:15</p> <p>19 was having with DEA? 15:28:18</p> <p>20 A. I don't recall. 15:28:19</p> <p>21 Q. Okay. And you did reference a 15:28:23</p> <p>22 work stoppage at Mallinckrodt. I understand 15:28:26</p> <p>23 that there was a strike by some employees at 15:28:29</p> <p>24 Covidien at the time. 15:28:31</p> <p>25 A. Is that referenced here? 15:28:31</p>	<p>1 report to Ms. Spaulding, do you? 15:29:25</p> <p>2 A. I do not. 15:29:26</p> <p>3 Q. Okay. And by the way, what was 15:29:29</p> <p>4 the approximate date of the strike? 15:29:30</p> <p>5 A. It was in 2010, and I believe 15:29:31</p> <p>6 it would have started in March or April 15:29:38</p> <p>7 because our union contract's due in March, 15:29:39</p> <p>8 but I think they had an extension until 15:29:43</p> <p>9 April. So I'm not -- around that time. 15:29:45</p> <p>10 Q. Okay. Great. 15:29:48</p> <p>11 And it lasted until May or June 15:29:49</p> <p>12 of 2010? 15:29:54</p> <p>13 A. Or longer. I can't -- 15:29:54</p> <p>14 Q. Sure. 15:29:57</p> <p>15 A. I can't remember when it was 15:29:57</p> <p>16 over. 15:29:58</p> <p>17 Q. Sure. 15:29:58</p> <p>18 Turn to page 4 of this report, 15:29:59</p> <p>19 this chronology. There's a reference made 15:30:02</p> <p>20 that on April 30, 2010, the peculiar order 15:30:11</p> <p>21 calculations changed from a [REDACTED] factor to a [REDACTED] 15:30:14</p> <p>22 factor. 15:30:18</p> <p>23 Do you see that reference? 15:30:20</p> <p>24 A. I do. 15:30:21</p> <p>25 Q. So if I understand correctly, 15:30:22</p>
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<p>1 Q. I don't think it is. 15:28:33</p> <p>2 A. Okay. 15:28:34</p> <p>3 Q. Yeah, but -- 15:28:34</p> <p>4 A. All right. 15:28:34</p> <p>5 Q. -- just -- just generally there 15:28:35</p> <p>6 was -- 15:28:35</p> <p>7 A. Yes, you're correct. Yes. 15:28:35</p> <p>8 Q. There was a strike by Covidien 15:28:37</p> <p>9 employees in the 2010 time period. 15:28:39</p> <p>10 How long did that last? 15:28:41</p> <p>11 A. 17 weeks, I believe. 15:28:42</p> <p>12 Q. Okay. A fairly long strike. 15:28:51</p> <p>13 A. (Witness nods head.) 15:28:52</p> <p>14 Q. And during that time period, 15:28:53</p> <p>15 was there any work done on attempting to 15:28:54</p> <p>16 improve or revise the SOM process? 15:28:56</p> <p>17 A. Yes. 15:29:00</p> <p>18 Q. And who was that work done by? 15:29:01</p> <p>19 A. So the work was ongoing, with 15:29:03</p> <p>20 Jim Rausch working with IT on the algorithms, 15:29:06</p> <p>21 so other subcomponents of the team continued 15:29:10</p> <p>22 while I was away. 15:29:13</p> <p>23 Q. Okay. And with respect to this 15:29:15</p> <p>24 chronology, you have no reason to dispute the 15:29:17</p> <p>25 accuracy of any of these events that you 15:29:21</p>	<p>1 the peculiar order algorithm on April 30, 15:30:27</p> <p>2 2010, increased from [REDACTED] to [REDACTED], correct? 15:30:30</p> <p>3 A. That's correct. 15:30:36</p> <p>4 Q. So in other words, as of April 15:30:36</p> <p>5 30, 2010, the algorithm that Mallinckrodt 15:30:38</p> <p>6 utilized to determine whether or not an order 15:30:42</p> <p>7 was suspicious was by determining whether an 15:30:44</p> <p>8 order was [REDACTED] greater than the prior 15:30:50</p> <p>9 year average; is that accurate? 15:30:54</p> <p>10 A. Yes. 15:30:57</p> <p>11 Q. Okay. And this increase 15:30:58</p> <p>12 resulted for a variety of reasons, is my 15:31:04</p> <p>13 understanding, but is one of the reasons that 15:31:08</p> <p>14 you increased from [REDACTED] to [REDACTED] because the 15:31:11</p> <p>15 peculiar order report was too lengthy? 15:31:14</p> <p>16 MR. O'CONNOR: Objection to 15:31:18</p> <p>17 form. 15:31:19</p> <p>18 THE WITNESS: Yes. 15:31:20</p> <p>19 QUESTIONS BY MR. KO: 15:31:20</p> <p>20 Q. So it was creating an 15:31:21</p> <p>21 administrative burden because there were too 15:31:22</p> <p>22 many orders to review? 15:31:25</p> <p>23 MR. O'CONNOR: Objection to 15:31:26</p> <p>24 form. 15:31:27</p> <p>25 THE WITNESS: Yes. 15:31:27</p>

<p style="text-align: right;">Page 322</p> <p>1 QUESTIONS BY MR. KO: 15:31:29</p> <p>2 Q. Okay. And so you and others 15:31:29</p> <p>3 believed that increasing the peculiar order 15:31:33</p> <p>4 algorithm to [REDACTED] would reduce the amount of 15:31:37</p> <p>5 reports that were printed for the SOM team to 15:31:39</p> <p>6 review, correct? 15:31:43</p> <p>7 A. That's correct, and the hope 15:31:45</p> <p>8 was that the truly -- the orders that needed 15:31:47</p> <p>9 to be investigated further would then print 15:31:50</p> <p>10 based upon this new change in the algorithm. 15:31:54</p> <p>11 Q. Okay. And the increase from [REDACTED] 15:31:59</p> <p>12 to [REDACTED] occurs during this time period -- well, 15:32:07</p> <p>13 strike that. 15:32:10</p> <p>14 I believe as of the date of -- 15:32:27</p> <p>15 I know you don't recall when the actual 15:32:29</p> <p>16 revised SOM policy was formalized, but at 15:32:32</p> <p>17 least as of the date of this e-mail, 15:32:34</p> <p>18 October 31, 2010, the revised SOM program had 15:32:36</p> <p>19 yet to be formalized; is that correct? 15:32:38</p> <p>20 MR. O'CONNOR: Objection. 15:32:40</p> <p>21 Form. 15:32:41</p> <p>22 THE WITNESS: So that 15:32:41</p> <p>23 depends -- yes. In a final SOP, yes, 15:32:46</p> <p>24 but I believe that we were updating 15:32:50</p> <p>25 our work instructions or our 15:32:52</p>	<p style="text-align: right;">Page 324</p> <p>1 Exhibit 33 to the Stewart deposition. 15:34:04</p> <p>2 MR. KO: And for the record, it 15:34:15</p> <p>3 ends in Bates 279975. 15:34:11</p> <p>4 QUESTIONS BY MR. KO: 15:34:11</p> <p>5 Q. And this appears to be an 15:34:22</p> <p>6 e-mail exchange between you and Ms. Stewart. 15:34:23</p> <p>7 Do you see that? 15:34:25</p> <p>8 A. Yes. 15:34:26</p> <p>9 Q. And I just have a couple 15:34:26</p> <p>10 questions on this. 15:34:28</p> <p>11 Ms. Stewart asks on Monday, 15:34:32</p> <p>12 August 9, 2010, quote, "How's progress on the 15:34:36</p> <p>13 revised suspicious order monitoring program 15:34:43</p> <p>14 going?" end quote. 15:34:44</p> <p>15 Did I read that correctly? 15:34:47</p> <p>16 A. Yes. 15:34:48</p> <p>17 Q. Okay. And your response -- you 15:34:48</p> <p>18 respond several things, but your response to 15:34:53</p> <p>19 this question is, quote, "We had a meeting 15:34:54</p> <p>20 last week that could only be classified as a 15:34:57</p> <p>21 train wreck, but the effort will continue and 15:35:00</p> <p>22 I will not be discouraged. I will not be 15:35:02</p> <p>23 discouraged. I will not be discouraged." 15:35:38</p> <p>24 Did I read that correctly? 15:35:07</p> <p>25 A. Yes. 15:35:07</p>
<p style="text-align: right;">Page 323</p> <p>1 procedures all the way along the line. 15:32:53</p> <p>2 But, yes, finalized, signed, sealed, 15:32:56</p> <p>3 yes, it was not at that time. 15:32:59</p> <p>4 QUESTIONS BY MR. KO: 15:33:00</p> <p>5 Q. And when we talk about the 15:33:00</p> <p>6 final SOP or SOM procedure, this was a formal 15:33:01</p> <p>7 document which lays out the criteria for 15:33:04</p> <p>8 identifying a suspicious order, correct? 15:33:07</p> <p>9 A. Correct. 15:33:10</p> <p>10 Q. And so at the time -- as of 15:33:11</p> <p>11 October 31, 2010, a final SOM procedure that 15:33:13</p> <p>12 outlines the criteria for identifying a 15:33:19</p> <p>13 suspicious order had not yet been finalized, 15:33:22</p> <p>14 correct? 15:33:25</p> <p>15 A. So does this -- oh, that -- 15:33:25</p> <p>16 yes, that's correct based upon this e-mail, 15:33:30</p> <p>17 yes. 15:33:32</p> <p>18 Q. Okay. I'm going to hand you a 15:33:47</p> <p>19 copy of what will be marked as Harper 15:33:49</p> <p>20 Exhibit 16. 15:33:50</p> <p>21 A. May I put these aside? 15:33:51</p> <p>22 Q. Yes, you may. 15:33:52</p> <p>23 A. All right. 15:33:54</p> <p>24 Q. Actually, I lied. It won't be 15:33:54</p> <p>25 Exhibit 16. It's previously been marked as 15:34:02</p>	<p style="text-align: right;">Page 325</p> <p>1 Q. Okay. So fair to say that as 15:35:08</p> <p>2 of August 9, 2010, at least with respect to 15:35:11</p> <p>3 the meeting you had on the revised SOM 15:35:14</p> <p>4 program, you believed that the meeting was a 15:35:16</p> <p>5 train wreck, correct? 15:35:19</p> <p>6 A. That particular meeting, but I 15:35:21</p> <p>7 don't remember what the meeting was, and it's 15:35:23</p> <p>8 an inartful term on my part. But, yes, 15:35:24</p> <p>9 that's what the e-mail says. 15:35:29</p> <p>10 Q. And you have no reason to doubt 15:35:30</p> <p>11 that you sent this e-mail to Ms. Stewart? 15:35:32</p> <p>12 A. I don't. 15:35:34</p> <p>13 Q. Okay. Were you frustrated at 15:35:35</p> <p>14 the time in August of 2010 with how the 15:35:39</p> <p>15 revised suspicious order monitoring program 15:35:42</p> <p>16 was going? 15:35:44</p> <p>17 A. I would like -- I would like to 15:35:44</p> <p>18 read this whole e-mail, please, for context, 15:35:51</p> <p>19 because it appears to be talking about 15:35:53</p> <p>20 exports, import permits and letters of 15:35:56</p> <p>21 non-reexport. 15:35:59</p> <p>22 So we've switched the 15:36:00</p> <p>23 conversation to SOM, but I don't see that on 15:36:01</p> <p>24 this page. 15:36:04</p> <p>25 Q. Sure. Sure. 15:36:05</p>

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<p>1 So I guess -- I'll just ask you 15:36:05</p> <p>2 a question to save time. 15:36:08</p> <p>3 Ms. Stewart clearly asks you 15:36:10</p> <p>4 whether -- how progress on the revised 15:36:12</p> <p>5 suspicious order monitoring program is going, 15:36:16</p> <p>6 correct? 15:36:17</p> <p>7 A. Yes. 15:36:17</p> <p>8 Q. And separate and apart -- 15:36:17</p> <p>9 separate and apart from what you responded to 15:36:18</p> <p>10 her, however inartful that was, my question 15:36:22</p> <p>11 to you is: Do you recall in the 2010 time 15:36:25</p> <p>12 period being frustrated at the progress of 15:36:29</p> <p>13 the revised SOM policy at Mallinckrodt? 15:36:32</p> <p>14 A. Yes. 15:36:35</p> <p>15 Q. Okay. And as of August 2010, 15:36:40</p> <p>16 this is about two and a half years after you 15:36:55</p> <p>17 first identify SOM as being an elevated 15:36:58</p> <p>18 priority for you; is that fair to say? 15:37:01</p> <p>19 A. Yes. 15:37:03</p> <p>20 (Mallinckrodt-Harper Exhibit 16 15:37:07</p> <p>21 marked for identification.) 15:37:07</p> <p>22 QUESTIONS BY MR. KO: 15:37:07</p> <p>23 Q. Okay. I'm going to hand you a 15:37:07</p> <p>24 copy of what's going to now be marked as -- 15:37:08</p> <p>25 you can set that aside. 15:37:11</p>	<p>1 group decided that the actual day-to-day 15:38:28</p> <p>2 monitoring responsibility should be switched 15:38:31</p> <p>3 to a non-customer service function in that 15:38:32</p> <p>4 those that have responsibility to manage the 15:38:38</p> <p>5 orders have a conflict of interest in 15:38:40</p> <p>6 deciding which orders should ultimately be 15:38:42</p> <p>7 shipped, with the ultimate right -- with 15:38:46</p> <p>8 ultimate right of refusal retained by the 15:38:50</p> <p>9 controlled substances compliance group." 15:38:55</p> <p>10 Q. Okay. Thank you for that. 15:38:56</p> <p>11 So is it accurate to say that 15:38:57</p> <p>12 one of the things that came out of this 15:39:00</p> <p>13 conference call regarding Mallinckrodt's then 15:39:03</p> <p>14 existing SOM procedure was that you were 15:39:05</p> <p>15 attempting to shift the day-to-day monitoring 15:39:09</p> <p>16 responsibility of particular orders to a 15:39:12</p> <p>17 non-customer service function? 15:39:19</p> <p>18 A. That is correct. 15:39:20</p> <p>19 Q. Okay. And earlier we had 15:39:21</p> <p>20 discussed about -- earlier we had discussed 15:39:27</p> <p>21 the fact that certain salespeople did not 15:39:29</p> <p>22 have day-to-day monitoring responsibilities 15:39:32</p> <p>23 with respect to SOM. 15:39:34</p> <p>24 Does this change your testimony 15:39:36</p> <p>25 at all or refresh your recollection at all 15:39:38</p>
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<p>1 A. All right. 15:37:12</p> <p>2 Q. This is a copy of Harper 15:37:13</p> <p>3 Exhibit 16. And for the record, it ends in 15:37:20</p> <p>4 Bates 280260. 15:37:25</p> <p>5 And this is an e-mail exchange 15:37:37</p> <p>6 between, again, you and Ms. Spaulding dated 15:37:38</p> <p>7 September 24, 2010? 15:37:44</p> <p>8 A. Correct, yes. 15:37:45</p> <p>9 Q. And Ms. Spaulding asks at the 15:37:46</p> <p>10 bottom how a conference call on SOM went. 15:37:54</p> <p>11 Do you see that? 15:37:59</p> <p>12 A. Uh-huh. I do. 15:38:00</p> <p>13 Q. And you respond, and I'd ask 15:38:01</p> <p>14 that you read the first full sentence at the 15:38:05</p> <p>15 top of your e-mail. 15:38:11</p> <p>16 A. "Interesting, the group 15:38:12</p> <p>17 decided" -- 15:38:15</p> <p>18 Q. I'm sorry, just I guess -- 15:38:15</p> <p>19 A. Oh, I beg your pardon. 15:38:17</p> <p>20 Q. Yeah, I guess "pretty well" is 15:38:19</p> <p>21 the first sentence. Just so just start 15:38:20</p> <p>22 reading from "pretty well." 15:38:23</p> <p>23 A. Oh, I'm sorry. 15:38:25</p> <p>24 Q. That's okay. 15:38:25</p> <p>25 A. "Pretty well. Interesting, the 15:38:26</p>	<p>1 that at one point in time NAMs and/or 15:39:40</p> <p>2 customer service representatives did, indeed, 15:39:44</p> <p>3 have day-to-day monitoring responsibilities 15:39:49</p> <p>4 with respect to Mallinckrodt's suspicious 15:39:50</p> <p>5 order monitoring program? 15:39:53</p> <p>6 MR. O'CONNOR: Objection to 15:39:53</p> <p>7 form. 15:39:54</p> <p>8 THE WITNESS: So I'd like to 15:39:54</p> <p>9 clarify, please. 15:39:54</p> <p>10 When we talk about commercial 15:39:55</p> <p>11 group, that's the NAMs. 15:39:56</p> <p>12 Customer service is not called 15:39:58</p> <p>13 commercial group, unless I 15:40:00</p> <p>14 inadvertently referred to them as that 15:40:01</p> <p>15 here. They've never been part -- 15:40:04</p> <p>16 even -- it seems like they would be 15:40:07</p> <p>17 commercial. They are not commercial 15:40:09</p> <p>18 group. 15:40:10</p> <p>19 So this is talking about switch 15:40:12</p> <p>20 from a non-customer service function. 15:40:13</p> <p>21 QUESTIONS BY MR. KO: 15:40:15</p> <p>22 Q. Okay. So are you referring 15:40:16</p> <p>23 here to CSRs or NAMs? 15:40:17</p> <p>24 A. CSRs. 15:40:20</p> <p>25 Q. Okay. So then prior to the 15:40:21</p>

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<p>1 date of this e-mail, it would be accurate to 15:40:25</p> <p>2 say that CSRs had actual day-to-day 15:40:27</p> <p>3 monitoring responsibilities with respect to 15:40:30</p> <p>4 Mallinckrodt's SOM program? 15:40:31</p> <p>5 A. So I'd like to clarify. It was 15:40:33</p> <p>6 Jim Rausch in particular who was the manager 15:40:34</p> <p>7 of C -- customer service. 15:40:36</p> <p>8 Q. Okay. So what you're saying 15:40:39</p> <p>9 then through this e-mail is that you wanted 15:40:41</p> <p>10 to remove Jim Rausch from the day-to-day 15:40:45</p> <p>11 monitoring of Mallinckrodt's SOM program? 15:40:48</p> <p>12 A. The group decided that, yes. 15:40:50</p> <p>13 Q. Okay. And did you in fact 15:40:52</p> <p>14 implement this policy change? 15:40:53</p> <p>15 A. Yes. 15:40:55</p> <p>16 Q. Okay. Now, I know that you're 15:40:55</p> <p>17 not referring to NAMs here, but would you 15:41:11</p> <p>18 agree with me that -- well, first of all, let 15:41:15</p> <p>19 me back up. 15:41:19</p> <p>20 Do you have any understanding 15:41:19</p> <p>21 of how many national account managers there 15:41:20</p> <p>22 were at Mallinckrodt? 15:41:23</p> <p>23 A. I do not. 15:41:24</p> <p>24 Q. Okay. Does the number four 15:41:25</p> <p>25 sound accurate to you? 15:41:29</p>	<p>1 A. Yes, except Jane Williams was 15:42:19</p> <p>2 vice president. And she was in charge of the 15:42:22</p> <p>3 NAMs but not a NAM herself. 15:42:24</p> <p>4 Q. Right. Thank you for the 15:42:26</p> <p>5 clarification. 15:42:27</p> <p>6 So during the two -- would it 15:42:27</p> <p>7 be accurate to say that during the 2005 15:42:30</p> <p>8 through 2017 time period you interacted with 15:42:35</p> <p>9 about four NAMs? 15:42:37</p> <p>10 A. So there was also -- Bonnie New 15:42:39</p> <p>11 is another. There was a gentleman who -- a 15:42:46</p> <p>12 name Dave Irwin. Again, people transitioned 15:42:51</p> <p>13 roles over time, and, I'm sorry, I cannot say 15:42:53</p> <p>14 that at one certain time frame which NAMs I 15:42:54</p> <p>15 interacted with. 15:42:57</p> <p>16 Q. Sure. And I'm just trying to 15:42:57</p> <p>17 get a general understanding. 15:42:59</p> <p>18 A. Okay. 15:43:00</p> <p>19 Q. So approximately four to five 15:43:01</p> <p>20 NAMs that you interacted with in connection 15:43:02</p> <p>21 with your -- in connection with your 15:43:04</p> <p>22 responsibilities in designing, implementing, 15:43:08</p> <p>23 an SOM program, correct? 15:43:09</p> <p>24 A. I'll agree with approximately, 15:43:11</p> <p>25 yes. 15:43:13</p>
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<p>1 A. It's possible. I just don't -- 15:41:30</p> <p>2 I don't know. 15:41:32</p> <p>3 Q. Okay. Would you -- if I 15:41:33</p> <p>4 represented to you, and assuming that I could 15:41:38</p> <p>5 prove at trial that there were approximately 15:41:40</p> <p>6 eight national account managers at 15:41:42</p> <p>7 Mallinckrodt during the 2005 through 2015 15:41:44</p> <p>8 time period, does that -- is that consistent 15:41:48</p> <p>9 with your understanding? 15:41:49</p> <p>10 MR. O'CONNOR: Object to form. 15:41:51</p> <p>11 THE WITNESS: I just don't know 15:41:52</p> <p>12 who the NAMs were at any particular 15:41:55</p> <p>13 time or assigned to which product 15:41:57</p> <p>14 line. 15:41:59</p> <p>15 QUESTIONS BY MR. KO: 15:42:00</p> <p>16 Q. Sure. 15:42:00</p> <p>17 But you interacted with many of 15:42:00</p> <p>18 the NAMs, correct? 15:42:03</p> <p>19 A. Correct. 15:42:04</p> <p>20 Q. And how many NAMs did you 15:42:05</p> <p>21 interact with? 15:42:06</p> <p>22 A. Four to six, I'm guesstimating. 15:42:06</p> <p>23 Q. And among those were Victor 15:42:13</p> <p>24 Borelli, Steve Becker and Jane Williams, 15:42:16</p> <p>25 correct? 15:42:19</p>	<p>1 Q. Okay. And despite not knowing 15:43:13</p> <p>2 exactly how much NAMs made, was it your 15:43:24</p> <p>3 understanding that NAMs were compensated 15:43:26</p> <p>4 based on the amount of customers that they 15:43:27</p> <p>5 had? 15:43:32</p> <p>6 A. No, I didn't -- I didn't know. 15:43:32</p> <p>7 Q. You had no understanding? 15:43:34</p> <p>8 A. Right. 15:43:35</p> <p>9 Q. Okay. To the extent they were 15:43:36</p> <p>10 compensated based on the volume of pills 15:43:40</p> <p>11 purchased by their customers, would you agree 15:43:46</p> <p>12 that that would be a conflict of interest -- 15:43:48</p> <p>13 MR. O'CONNOR: Object to form. 15:43:51</p> <p>14 QUESTIONS BY MR. KO: 15:43:51</p> <p>15 Q. -- to the extent they were 15:43:51</p> <p>16 involved in the SOM monitoring process? 15:43:52</p> <p>17 MR. O'CONNOR: Same objection. 15:43:54</p> <p>18 THE WITNESS: So I'm sorry, are 15:43:54</p> <p>19 we making the -- the inferential leap 15:43:55</p> <p>20 that they were definitely -- because I 15:43:59</p> <p>21 don't know about their compensation, 15:44:01</p> <p>22 if it was dollars, pills, accounts, 15:44:01</p> <p>23 regions. I don't know that. 15:44:04</p> <p>24 QUESTIONS BY MR. KO: 15:44:05</p> <p>25 Q. Sure. 15:44:06</p>

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1	Assuming that NAMs were paid	15:44:06	1	conflict of interest that would apply with	15:46:13
2	based on volume of pills sold, at least in	15:44:09	2	respect to a national account manager?	15:46:15
3	part --	15:44:11	3	MR. O'CONNOR: Object to form.	15:46:16
4	A. Okay.	15:44:11	4	THE WITNESS: So it doesn't,	15:46:17
5	Q. -- were paid based on the	15:44:13	5	because neither of them, neither the	15:46:18
6	amount of pills that they were able to sell	15:44:14	6	NAMs or customer service, were --	15:46:20
7	to a particular customer, would you agree	15:44:16	7	after this, they were not directly	15:46:26
8	that that would be a conflict of interest to	15:44:18	8	responsible for the day-to-day	15:46:28
9	have them involved in evaluating whether or	15:44:21	9	monitoring. They were consulted or	15:46:29
10	not an order was suspicious?	15:44:23	10	rose situations to our attention.	15:46:31
11	MR. O'CONNOR: Object to form.	15:44:24	11	QUESTIONS BY MR. KO:	15:46:33
12	THE WITNESS: No.	15:44:25	12	Q. I understand that that was	15:46:34
13	QUESTIONS BY MR. KO:	15:44:26	13	the -- what happened after this e-mail, or	15:46:34
14	Q. Okay. And going back to the	15:44:26	14	that change was attempted to be made. But	15:46:37
15	e-mail that's in front of you and -- you	15:44:41	15	prior to the date of this, you are	15:46:40
16	indicate that at least from this meeting it	15:44:45	16	indicating, are you not, in this e-mail that	15:46:46
17	was agreed that customer service	15:44:51	17	a conflict of interest exists with respect to	15:46:47
18	representatives would no longer be involved	15:44:56	18	the customer service group?	15:46:49
19	in the day-to-day monitoring because of	15:44:58	19	A. It does state -- yes, it does	15:46:51
20	their -- because of a conflict of interest.	15:45:00	20	state that.	15:46:59
21	MR. O'CONNOR: Object to form.	15:45:02	21	Q. And you said also that national	15:46:59
22	QUESTIONS BY MR. KO:	15:45:03	22	account managers have involvement in -- in	15:47:01
23	Q. Do you see it?	15:45:05	23	Mallinckrodt customers as well, right?	15:47:04
24	A. Yes. Yes, I do see that. Yes.	15:45:06	24	A. Correct.	15:47:06
25	Q. And what is the conflict of	15:45:09	25	Q. And that approximately four to	15:47:07
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1	interest that you're referring to there?	15:45:10	1	eight national account managers that	15:47:11
2	A. It's a -- you know, it's just a	15:45:11	2	Mallinckrodt had, they were in charge of	15:47:12
3	conglomeration of even though customer	15:45:12	3	wholesale distributors that Mallinckrodt	15:47:15
4	service is separate from the NAMs and	15:45:16	4	supplied drugs to, correct?	15:47:18
5	separate from commercial, customer service	15:45:20	5	MR. O'CONNOR: Object to form.	15:47:20
6	does maintain a relationship with the	15:45:22	6	THE WITNESS: Correct.	15:47:20
7	customers. And so that's the basis on which	15:45:24	7	QUESTIONS BY MR. KO:	15:47:21
8	this statement was made.	15:45:26	8	Q. And so the -- do you believe	15:47:22
9	Q. Well, how -- how was it any	15:45:28	9	that a conflict of interest exists with	15:47:28
10	different -- how was the conflict of interest	15:45:34	10	respect to a national account manager's	15:47:32
11	that applies with respect to the customer	15:45:36	11	involvement in the suspicious order	15:47:34
12	service group any different than a conflict	15:45:38	12	monitoring program given that their --	15:47:36
13	of interest that would apply with respect to	15:45:40	13	assuming this was true -- given that their	15:47:40
14	the national account managers?	15:45:43	14	primary form of compensation was the amount	15:47:44
15	A. So customer service group	15:45:44	15	of pills they were able to sell --	15:47:47
16	maintained the relationship with the	15:45:51	16	MR. O'CONNOR: Object to form.	15:47:49
17	customer, as did the NAMs.	15:45:53	17	QUESTIONS BY MR. KO:	15:47:49
18	Could you repeat that question,	15:45:55	18	Q. -- to a particular Mallinckrodt	15:47:50
19	please? I'm getting mixed up as I'm thinking	15:45:56	19	customer?	15:47:52
20	of my answer. I'm sorry.	15:46:01	20	MR. O'CONNOR: Objection.	15:47:52
21	Q. Sure.	15:46:03	21	THE WITNESS: No, I do not.	15:47:53
22	How was the conflict of	15:46:03	22	QUESTIONS BY MR. KO:	15:47:54
23	interest that applies with the customer	15:46:04	23	Q. Okay. It's okay to say no.	15:47:54
24	service group that you're referring to in	15:46:07	24	A. Oh, I'm sorry. I'm sorry.	15:48:06
25	this e-mail differ in any way from the	15:46:10	25	Q. No, don't be sorry.	15:48:09

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1	Here's --	15:48:09	1	involvement in the suspicious order	15:49:49
2	A. That was for emphasis.	15:48:09	2	monitoring program, did he not?	15:49:51
3	Q. I want to hand you a copy of	15:48:10	3	A. To the extent that we would	15:49:52
4	what's going to be -- what has previously	15:48:11	4	occasionally ask the NAMs questions after the	15:49:58
5	been marked -- you can set that aside --	15:48:12	5	algorithm indicated an order was for further	15:50:01
6	what's previously been marked as Exhibit 44	15:48:17	6	review, yes, that's correct.	15:50:03
7	of the Stewart deposition.	15:48:19	7	Q. So were there instances in	15:50:03
8	MR. KO: And for the record,	15:48:20	8	which Mr. Borelli cleared -- or concluded	15:50:04
9	it's dated -- or sorry, that's -- ends	15:48:22	9	that a peculiar order was not suspicious and	15:50:11
10	in Bates 3028219.	15:48:25	10	relayed that information to you?	15:50:14
11	QUESTIONS BY MR. KO:	15:48:25	11	MR. O'CONNOR: Object to form.	15:50:15
12	Q. And before turning to the text	15:48:32	12	THE WITNESS: Yes.	15:50:16
13	of this document, Mr. -- as we discussed	15:48:33	13	QUESTIONS BY MR. KO:	15:50:17
14	before, Mr. Borelli is a national account	15:48:37	14	Q. Okay. And the date of this	15:50:18
15	manager, correct?	15:48:40	15	e-mail is May 20, 2008, correct?	15:50:18
16	A. Yes.	15:48:40	16	A. Yes.	15:50:21
17	Q. Okay. And he was a national	15:48:41	17	Q. This is simultaneous to when	15:50:21
18	account manager in charge of certain	15:48:44	18	you are first starting to revamp your -- the	15:50:26
19	distributors that Mallinckrodt shipped pills	15:48:45	19	revised SOM program, correct?	15:50:31
20	to, correct?	15:48:47	20	A. Yes.	15:50:32
21	A. Yes.	15:48:48	21	Q. And you learned Mr. Borelli --	15:50:32
22	Q. And the context of this e-mail,	15:48:49	22	you learned from Ms. Stewart that all the	15:50:34
23	or the subject, is Sunrise Wholesale,	15:48:56	23	customer service reps all state that	15:50:36
24	correct?	15:48:57	24	Mr. Borelli will tell them anything they want	15:50:38
25	A. Yes.	15:48:58	25	to hear just so he can get the sale, correct?	15:50:40
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1	Q. And as we discussed before,	15:48:58	1	A. Yes, I see that that's printed	15:50:44
2	Sunrise had its license revoked by the DEA in	15:48:59	2	in the e-mail, yes, sir.	15:50:46
3	2010 as a result of suspicious orders they	15:49:02	3	Q. Okay. So given that	15:50:47
4	were shipping to Florida, correct?	15:49:05	4	Mr. Borelli has an incentive to obtain as	15:50:51
5	MR. O'CONNOR: Object to form.	15:49:07	5	many sales as possible, is it still your	15:50:54
6	THE WITNESS: Yes.	15:49:08	6	testimony that you believe it's not a	15:50:57
7	QUESTIONS BY MR. KO:	15:49:09	7	conflict of interest for him to be involved	15:50:58
8	Q. Okay. And Sunrise was a	15:49:09	8	in the evaluation of a peculiar order?	15:51:00
9	customer, again, of Mallinckrodt?	15:49:11	9	MR. O'CONNOR: Object to form.	15:51:02
10	A. Yes.	15:49:13	10	THE WITNESS: Yes. Yes.	15:51:03
11	Q. And is it your understanding	15:49:14	11	QUESTIONS BY MR. KO:	15:51:03
12	that Mr. Borelli was in charge of the Sunrise	15:49:17	12	Q. By the way, how many times did	15:51:04
13	account?	15:49:24	13	Mr. Borelli confirm that an order was	15:51:05
14	A. Yes.	15:49:24	14	actually suspicious?	15:51:08
15	Q. Okay. And Ms. Stewart	15:49:24	15	A. I don't know.	15:51:10
16	indicates some language to you about	15:49:27	16	Q. Well, you had previously -- we	15:51:16
17	Mr. Borelli and indicates that the e-mail	15:49:31	17	had previously discussed an e-mail in which	15:51:18
18	importance is high.	15:49:34	18	you told Ms. Spaulding that no orders rose to	15:51:19
19	She says quote, "FYI, the	15:49:35	19	the level of suspicious in the 2008 to 2000	15:51:24
20	customer service reps all state that Victor	15:49:38	20	{sic} time period --	15:51:26
21	will tell them anything they want to hear	15:49:41	21	A. Okay.	15:51:27
22	just so he can get the sale," end quote.	15:49:42	22	Q. -- correct?	15:51:28
23	Did I read that correctly?	15:49:46	23	A. Uh-huh.	15:51:28
24	A. You did.	15:49:46	24	Q. So I take it that Mr. Borelli	15:51:29
25	Q. Okay. And Mr. Borelli had	15:49:47	25	never, ever identified a peculiar order as	15:51:33

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<p>1 being suspicious; is that accurate? 15:51:35</p> <p>2 MR. O'CONNOR: Object to form. 15:51:37</p> <p>3 THE WITNESS: Yes. 15:51:38</p> <p>4 QUESTIONS BY MR. KO: 15:51:39</p> <p>5 Q. And the same would be true with 15:51:39</p> <p>6 respect to Ms. New and Mr. Becker, correct? 15:51:41</p> <p>7 A. Yes. Yes, I'm following you, 15:51:43</p> <p>8 yes. 15:51:44</p> <p>9 Q. Yeah. 15:51:44</p> <p>10 So to the extent that 15:51:44</p> <p>11 Mr. Becker or Ms. New evaluated whether or 15:51:46</p> <p>12 not a peculiar order was suspicious, they 15:51:50</p> <p>13 never, in fact, reported that such an order 15:51:52</p> <p>14 was suspicious to you, correct? 15:51:57</p> <p>15 A. Correct. 15:51:58</p> <p>16 Q. Okay. Oh, and with respect 15:51:59</p> <p>17 to -- so in addition to Ms. New, Mr. Becker 15:52:17</p> <p>18 and Mr. Borelli, were there any other NAMs 15:52:22</p> <p>19 during the 2008 to 2000 {sic} time period 15:52:25</p> <p>20 that informed you that a peculiar order 15:52:30</p> <p>21 should rise to the level of a suspicious 15:52:33</p> <p>22 order? 15:52:35</p> <p>23 A. Tim Berry was a NAM for the 15:52:35</p> <p>24 generics group at one point, and Dave Irwin, 15:52:38</p> <p>25 but I just don't remember specifically 15:52:42</p>	<p>1 license renewal, the question whether our 15:54:10</p> <p>2 customers monitor their customers was removed 15:54:12</p> <p>3 from the questionnaire by the Mallinckrodt 15:54:14</p> <p>4 suspicious order monitoring team because 15:54:16</p> <p>5 there is no actual regulatory obligation to 15:54:19</p> <p>6 monitor customers' customers." 15:54:23</p> <p>7 Did I read that correctly with 15:54:25</p> <p>8 the exception of the insertion "is"? 15:54:26</p> <p>9 A. Yes. 15:54:30</p> <p>10 Q. Okay. And so at -- is it safe 15:54:30</p> <p>11 to say that prior to -- at some point prior 15:54:33</p> <p>12 to August 26, 2010, in your customer 15:54:35</p> <p>13 checklist you had a question of whether or 15:54:40</p> <p>14 not your customers monitor their customers? 15:54:43</p> <p>15 Correct? 15:54:50</p> <p>16 A. Yes. 15:54:50</p> <p>17 Q. But you removed that question 15:54:51</p> <p>18 from the questionnaire, correct? 15:54:53</p> <p>19 A. Yes. 15:54:53</p> <p>20 Q. Set that aside. 15:54:54</p> <p>21 A. All right. 15:54:54</p> <p>22 Q. Did you believe that removing 15:55:10</p> <p>23 that question from your questionnaire was an 15:55:10</p> <p>24 enhancement of your SOM program? 15:55:12</p> <p>25 A. I don't think it was not, so 15:55:15</p>
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<p>1 conferring with them in terms of an order 15:52:43</p> <p>2 that required further review. 15:52:46</p> <p>3 Q. Okay. As you sit -- well, 15:52:48</p> <p>4 again, based on your representation to 15:52:52</p> <p>5 Ms. Spaulding that there were no suspicious 15:52:54</p> <p>6 orders as of October 31, 2010, is it fair to 15:52:57</p> <p>7 say that no national account manager ever 15:53:00</p> <p>8 reported to you that a peculiar order should 15:53:03</p> <p>9 rise to the level of being a suspicious 15:53:05</p> <p>10 order? 15:53:08</p> <p>11 A. Yes. 15:53:08</p> <p>12 (Mallinckrodt-Harper Exhibit 17 15:53:08</p> <p>13 marked for identification.) 15:53:08</p> <p>14 QUESTIONS BY MR. KO: 15:53:09</p> <p>15 Q. Okay. I want to turn to a copy 15:53:09</p> <p>16 of what will be marked as exhibit -- Harper 15:53:15</p> <p>17 Exhibit 17. 15:53:19</p> <p>18 And for the record, this 15:53:34</p> <p>19 document is -- ends in Bates stamp 368390. 15:53:35</p> <p>20 In an August 26, 2010 e-mail 15:53:50</p> <p>21 from you to others, you state, "Ginger and 15:53:54</p> <p>22 Kate," is the first page, "Although we 15:54:00</p> <p>23 require direct customers to submit a 15:54:04</p> <p>24 suspicious order monitoring customer 15:54:06</p> <p>25 questionnaire with proof of their annual DEA 15:54:07</p>	<p>1 that's a double negative. I don't think it 15:55:17</p> <p>2 was to the detriment of the program. 15:55:21</p> <p>3 Q. Okay. So you don't regret 15:55:23</p> <p>4 removing that question from your 15:55:25</p> <p>5 questionnaire? 15:55:26</p> <p>6 A. No. 15:55:27</p> <p>7 Q. Okay. And that's 15:55:28</p> <p>8 notwithstanding the fact that you did receive 15:55:30</p> <p>9 guidance from the DEA that they expected you 15:55:33</p> <p>10 to monitor your customer's customer, correct? 15:55:35</p> <p>11 MR. O'CONNOR: Object to form. 15:55:37</p> <p>12 THE WITNESS: Correct. 15:55:39</p> <p>13 QUESTIONS BY MR. KO: 15:55:39</p> <p>14 Q. Okay. So you received guidance 15:55:40</p> <p>15 from the DEA that it was important for 15:55:42</p> <p>16 Mallinckrodt to know your customer's 15:55:46</p> <p>17 customer, yet you removed that question from 15:55:48</p> <p>18 your questionnaire; is that accurate? 15:55:50</p> <p>19 MR. O'CONNOR: Object to form. 15:55:53</p> <p>20 THE WITNESS: Yes. 15:55:53</p> <p>21 May I add, please? 15:55:54</p> <p>22 QUESTIONS BY MR. KO: 15:55:55</p> <p>23 Q. This is a yes or no question. 15:55:56</p> <p>24 That's all I needed. 15:55:57</p> <p>25 A. All right. 15:55:58</p>

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1	Q. Counsel can -- has the	15:55:59	1	checklist.	15:58:05
2	opportunity to do some redirect if he would	15:56:01	2	Is that accurate?	15:58:10
3	like.	15:56:02	3	A. Yes, it is, yes.	15:58:11
4	A. Okay. Thank you.	15:56:03	4	Q. And she indicates that you left	15:58:12
5	(Mallinckrodt-Harper Exhibit 18	15:56:07	5	a message regarding a customer checklist,	15:58:16
6	marked for identification.)	15:56:08	6	correct?	15:58:19
7	QUESTIONS BY MR. KO:	15:56:08	7	A. Yes. I just had to figure out	15:58:19
8	Q. I'm going to hand you a copy of	15:56:08	8	who was leaving the message. Yes. Yes.	15:58:24
9	what's going to be marked as Harper	15:56:09	9	Q. Sure.	15:58:26
10	Exhibit 18.	15:56:12	10	And Ms. Stewart seems to be	15:58:26
11	And for the record, this	15:56:21	11	referencing some failures on the customer	15:58:28
12	document ends in Bates 279142.	15:56:22	12	checklist that seemed to be the result of	15:58:31
13	This is an April 29, 2010	15:56:28	13	confusion as it relates to the form itself.	15:58:35
14	e-mail you send to Ms. Spaulding regarding	15:56:32	14	Do you see that reference?	15:58:39
15	suspicious order monitoring.	15:56:36	15	A. Yes.	15:58:40
16	You state, quote, "We have	15:56:38	16	Q. So at the time of this e-mail,	15:58:42
17	working algorithms, and J. Rausch has been	15:56:43	17	there was certainly some confusion with	15:58:44
18	reviewing peculiar orders for several weeks.	15:56:46	18	respect to the questionnaire that you were	15:58:46
19	I have a meeting with Jim tomorrow because	15:56:48	19	trying to roll out in 2009, correct?	15:58:47
20	the review is taking several hours a day, yet	15:56:50	20	A. Yes.	15:58:49
21	still results in him making a judgment call	15:56:53	21	Q. And Ms. Stewart indicates that	15:58:49
22	that he is not comfortable with. Bottom line	15:56:55	22	she's actually putting customers that have	15:58:51
23	is that tomorrow I plan on having something	15:56:59	23	been put on hold as a result of this customer	15:58:54
24	for you to give DEA. Trying desperately to	15:57:01	24	checklist, and she's actually recommending	15:58:57
25	clear up all loose ends before the potential	15:57:04	25	that they be taken off.	15:59:01
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1	work stoppage."	15:57:06	1	Is that consistent with how	15:59:03
2	Did I read that correctly?	15:57:07	2	this e-mail reads?	15:59:05
3	A. Yes.	15:57:08	3	MR. O'CONNOR: Object to form.	15:59:06
4	Q. Okay. And is it accurate to	15:57:09	4	THE WITNESS: Yes.	15:59:06
5	say that as of April 29, 2010, it's your	15:57:12	5	QUESTIONS BY MR. KO:	15:59:09
6	understanding that Mr. Rausch is still making	15:57:16	6	Q. So in other words, while there	15:59:09
7	judgment calls on peculiar orders that he is	15:57:19	7	was confusion surrounding this particular	15:59:10
8	not comfortable with?	15:57:21	8	version of the customer checklist, for any	15:59:13
9	A. Yes.	15:57:22	9	customers that were put on hold at that time,	15:59:18
10	Q. Okay. You can set that aside.	15:57:23	10	she had recommended putting them off of hold	15:59:19
11	Now, as we discussed, in	15:57:25	11	and releasing orders; is that correct?	15:59:22
12	addition to algorithms, you had checklists	15:57:34	12	A. Yes.	15:59:25
13	that you were working on at the same time	15:57:38	13	MR. O'CONNOR: Object to form.	15:59:26
14	with respect to new and current customers,	15:57:39	14	QUESTIONS BY MR. KO:	15:59:27
15	correct?	15:57:41	15	Q. You can set that one aside.	15:59:28
16	A. Correct.	15:57:41	16	(Mallinckrodt-Harper Exhibit 20	15:59:37
17	(Mallinckrodt-Harper Exhibit 19	15:57:48	17	marked for identification.)	15:59:37
18	marked for identification.)	15:57:48	18	QUESTIONS BY MR. KO:	15:59:37
19	QUESTIONS BY MR. KO:	15:57:48	19	Q. I'm going to hand you a copy of	15:59:38
20	Q. I'm going to hand you a copy of	15:57:48	20	what's going to be marked as Harper	15:59:39
21	what's going to be marked as Harper	15:57:49	21	Exhibit 20.	15:59:40
22	Exhibit 19, and it ends in Bates 301020.	15:57:51	22	For the record, this ends in	15:59:42
23	And this is a July 22, 2009	15:57:58	23	Bates stamp 372333.	15:59:44
24	e-mail from Ms. Stewart to many people,	15:58:00	24	And this is an e-mail exchange	15:59:50
25	including you, regarding the customer	15:58:02	25	that you are having with Ms. Spaulding in	15:59:52

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1 the -- on February 11, 2011; is that 15:59:56
 2 accurate? 15:59:59
 3 A. Yes. 16:00:00
 4 Q. Okay. And I want to focus on 16:00:05
 5 the second e-mail down in the chain that you 16:00:09
 6 draft to Ms. Spaulding regarding the customer 16:00:13
 7 checklist. 16:00:20
 8 Do you see where you have 16:00:21
 9 indicated that you have discovered a 16:00:23
 10 disconnect in the system? 16:00:25
 11 A. I do. 16:00:26
 12 Q. And you're talking about the 16:00:27
 13 system of the customer checklist, correct? 16:00:28
 14 A. Yes. 16:00:30
 15 Q. And you indicate that, quote, 16:00:31
 16 "We have significant gaps in that although 16:00:35
 17 CDIG send out the annual update SOM customer 16:00:40
 18 checklist, when the system indicates customer 16:00:44
 19 account DEA registration is nearing renewal 16:00:48
 20 time, they do nothing if the SOM customer 16:00:51
 21 checklist is not ever returned by the 16:00:54
 22 customer." 16:00:56
 23 Did I read that correctly? 16:00:57
 24 A. Yes. 16:00:57
 25 Q. Okay. And CDIG basically -- 16:00:59

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1 CDIG stands for customer data integrity 16:01:03
 2 group, correct? 16:01:06
 3 A. Correct. 16:01:07
 4 Q. And they had some involvement 16:01:07
 5 in the SOM procedure, in particular the 16:01:08
 6 customer checklist, correct? 16:01:11
 7 A. Yes. 16:01:12
 8 Q. But if I understand this e-mail 16:01:13
 9 correctly, is it accurate to say that as of 16:01:16
 10 February of 2011 you were -- you discovered 16:01:19
 11 that all SOM customer checklists were not 16:01:24
 12 actually being returned by the customers, 16:01:28
 13 correct? 16:01:30
 14 MR. O'CONNOR: Object to form. 16:01:30
 15 THE WITNESS: Yes. 16:01:31
 16 QUESTIONS BY MR. KO: 16:01:31
 17 Q. You would agree that this is a 16:01:32
 18 significant gap in the review system, would 16:01:33
 19 you not? 16:01:36
 20 A. It's a gap -- yes. In this 16:01:37
 21 component of the review system, yes, it is a 16:01:41
 22 gap. 16:01:43
 23 Q. Because you relied on the 16:01:43
 24 customer checklist to obtain information from 16:01:44
 25 the customer, correct? 16:01:47

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1 A. Yes. 16:01:47
 2 Q. And in some instances, you 16:01:48
 3 never actually in fact received the 16:01:50
 4 checklist, correct? 16:01:53
 5 A. I believe this says during the 16:01:53
 6 renewal. 16:01:56
 7 Q. Yeah. 16:01:58
 8 During the renewal time period, 16:01:59
 9 CDIG does nothing if the SOM customer 16:02:01
 10 checklist is ever returned; is that correct? 16:02:05
 11 A. So customers would have sent in 16:02:07
 12 an initial checklist, but then this is the 16:02:13
 13 annual update that they may not have turned 16:02:17
 14 in, and CDIG may not have caught that fact, 16:02:19
 15 yes. 16:02:20
 16 Q. All right. So they may have 16:02:20
 17 turned in a checklist at one point in time, 16:02:21
 18 but the requirement and the expectation 16:02:24
 19 certainly was that they would turn in at 16:02:26
 20 least an annual checklist as well, correct? 16:02:27
 21 MR. O'CONNOR: Object to form. 16:02:30
 22 THE WITNESS: Yes. 16:02:30
 23 QUESTIONS BY MR. KO: 16:02:31
 24 Q. And that wasn't always 16:02:31
 25 happening as of 2011, correct? 16:02:32

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1 A. Correct. 16:02:33
 2 Q. And so would you say that -- 16:02:34
 3 we'll move on. You can set that aside. 16:02:42
 4 Thank you. 16:02:44
 5 Now, earlier we were discussing 16:02:53
 6 chargebacks. 16:02:55
 7 Do you recall that? 16:02:55
 8 A. Yes. 16:02:56
 9 Q. Do you remember when you first 16:02:57
 10 started looking into utilization of 16:03:01
 11 chargebacks -- or chargeback data to 16:03:04
 12 understand the details of where your pills, 16:03:09
 13 Mallinckrodt pills, were going? 16:03:12
 14 MR. O'CONNOR: Object to form. 16:03:13
 15 THE WITNESS: Yes. 16:03:14
 16 QUESTIONS BY MR. KO: 16:03:15
 17 Q. And when was that? 16:03:15
 18 A. I believe it was within the 16:03:16
 19 scope of our involvement in the Sunrise 16:03:19
 20 investigation. 16:03:23
 21 Q. Okay. And that was in the 2009 16:03:23
 22 time period? 16:03:26
 23 A. I don't remember the -- I'm 16:03:27
 24 terrible with my years. I'm sorry, I don't 16:03:29
 25 remember. 16:03:33

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1 (Mallinckrodt-Harper Exhibit 21 16:03:33
2 marked for identification.) 16:03:34
3 QUESTIONS BY MR. KO: 16:03:34
4 Q. Okay. I'm going to hand you a 16:03:34
5 copy of what's going to be marked as Harper 16:03:35
6 Exhibit 21. 16:03:37
7 A. Okay. 16:03:39
8 Q. And this is an e-mail chain 16:03:39
9 involving you, among other people, in the 16:03:58
10 April 17, 2007 time period; is that accurate? 16:04:03
11 A. Yes. 16:04:06
12 Q. And I don't believe I 16:04:08
13 identified this document, but it ends in 16:04:09
14 Bates 7728295. 16:04:14
15 Starting with the second to the 16:04:17
16 last e-mail at the bottom of this chain from 16:04:31
17 Vince Kaiman to Jeff Burd in which you are 16:04:33
18 cc'd, as of 2:47 -- let's start there. 16:04:38
19 First of all, who's Vince 16:04:43
20 Kaiman? 16:04:45
21 A. He was director or vice 16:04:45
22 president of commercial group at that time. 16:04:48
23 Q. Okay. And he is inquiring in 16:04:53
24 an e-mail exchange with Jeff Burd whether or 16:04:57
25 not Jeff can also find out of the 16:05:02

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1 40-milligram sales into the channel, how much 16:05:06
2 of it ends up in clinics. 16:05:08
3 Do you see that portion of the 16:05:13
4 e-mail I'm referencing? 16:05:14
5 A. Yes. 16:05:15
6 Q. So in other words, Vince is 16:05:18
7 asking -- and the 40-milligram sales is a 16:05:20
8 reference to the methadone 40 milligrams, 16:05:22
9 correct? 16:05:24
10 A. Yes. 16:05:25
11 Q. Manufactured by Mallinckrodt? 16:05:25
12 A. Yes. 16:05:27
13 Q. And he is trying to determine 16:05:28
14 where those Mallinckrodt pills ends up in 16:05:31
15 clinics. 16:05:37
16 Is that a fair characterization 16:05:37
17 of the question he's asking Jeff? 16:05:39
18 MR. O'CONNOR: Object to form. 16:05:41
19 THE WITNESS: It's how many end 16:05:41
20 up in clinics versus retail. 16:05:43
21 QUESTIONS BY MR. KO: 16:05:46
22 Q. Okay. And there's some 16:05:47
23 discussion back and forth about how one might 16:05:52
24 go about doing that, but Vince at some point 16:05:55
25 in the e-mail chain says, "Would chargebacks 16:05:58

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1 help?" 16:06:03
2 Do you see that? 16:06:07
3 A. Yes. 16:06:07
4 Q. Okay. And Mr. Burd's response 16:06:07
5 is, "Okay, I'll start to look into it. Yeah, 16:06:12
6 it would be through chargebacks." 16:06:16
7 Do you see that portion of the 16:06:18
8 e-mail? 16:06:20
9 A. I do. 16:06:20
10 Q. So is it fair to say that this 16:06:20
11 e-mail chain reflects an understanding by 16:06:22
12 Mallinckrodt employees that they could 16:06:27
13 utilize chargebacks to understand where 16:06:30
14 Mallinckrodt-manufactured pills were ending 16:06:32
15 up? 16:06:36
16 A. Yes. 16:06:36
17 Q. And the date of this e-mail is 16:06:36
18 April 17, 2007, correct? 16:06:38
19 A. Correct. 16:06:39
20 Q. And you were on this e-mail 16:06:40
21 chain? 16:06:43
22 A. Correct. 16:06:43
23 Q. Okay. And I want to pay -- I 16:06:44
24 want to turn your attention to the top of 16:06:52
25 this e-mail in which Jeff Burd -- by the way, 16:06:54

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1 who is Jeff Burd? 16:06:58
2 A. He was in commercial group, but 16:06:59
3 I believe he was on the branded side. I 16:07:00
4 didn't have any interaction with him. 16:07:02
5 Q. Sure. 16:07:03
6 And Mr. Burd, who appears was a 16:07:04
7 senior marketing manager, he is -- he 16:07:08
8 indicates that, "Well, we were able to get at 16:07:11
9 this data quicker than I expected, with 16:07:14
10 Kate's help." 16:07:17
11 Do you see that? 16:07:18
12 A. I do. 16:07:19
13 Q. So is it a fair 16:07:19
14 characterization of this e-mail that he was 16:07:21
15 able to obtain the chargeback data a lot 16:07:22
16 quicker than he had expected? 16:07:26
17 MR. O'CONNOR: Object to form. 16:07:27
18 THE WITNESS: Yes. 16:07:28
19 QUESTIONS BY MR. KO: 16:07:28
20 Q. Okay. And if you look at the 16:07:29
21 timestamp, it looks like it takes him -- 16:07:30
22 certainly the same day, but he responds 16:07:33
23 within six hours of when he says he will look 16:07:35
24 into it, correct? 16:07:39
25 A. Yes. 16:07:40

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1 Q. So in a six-hour time period, 16:07:41
 2 is it accurate to say that a Mallinckrodt 16:07:45
 3 employee was able to utilize chargeback data 16:07:46
 4 to understand where Mallinckrodt products 16:07:50
 5 were ending up? 16:07:52
 6 MR. O'CONNOR: Object to form. 16:07:53
 7 THE WITNESS: Yes. 16:07:53
 8 QUESTIONS BY MR. KO: 16:07:55
 9 Q. Okay. And by the way, do 16:07:56
 10 you -- there's a reference here to Kate. It 16:08:00
 11 says that he's able to -- he was able to 16:08:04
 12 utilize Kate's help to get this data. 16:08:07
 13 Do you see that? 16:08:09
 14 A. Yes, I do. 16:08:09
 15 Q. And that was Kate Neely? 16:08:10
 16 A. Yes. Kate Muhlenkamp at the 16:08:12
 17 time, yes. 16:08:14
 18 Q. Right. 16:08:15
 19 A. Yes. 16:08:15
 20 Q. Thank you. 16:08:16
 21 (Mallinckrodt-Harper Exhibit 22 16:08:18
 22 marked for identification.) 16:08:18
 23 QUESTIONS BY MR. KO: 16:08:18
 24 Q. I'm going to hand you now a 16:08:26
 25 copy of what will be marked as Harper 16:08:28

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1 Exhibit 22. 16:08:31
 2 And we can go through this 16:08:37
 3 document and we can take a break. 16:08:38
 4 MR. O'CONNOR: Okay. 16:08:38
 5 QUESTIONS BY MR. KO: 16:08:38
 6 Q. If that doesn't -- or if you 16:08:42
 7 don't mind. 16:08:44
 8 A. That's acceptable, thank you, 16:08:45
 9 yes. 16:08:45
 10 Q. For the record, this e-mail 16:08:53
 11 exchange ends in Bates 500657. And this is 16:08:54
 12 an e-mail exchange from actually the 2009 to 16:08:59
 13 2010 time period. 16:09:04
 14 And the title of the e-mail is 16:09:08
 15 "Chargeback Information Request." 16:09:09
 16 Do you see that? 16:09:10
 17 A. Yes, but I see that it started 16:09:11
 18 in 2010, not in 2009. 16:09:14
 19 Q. And it's a little confusing 16:09:17
 20 because I think that's reference made to a 16:09:19
 21 subsequent e-mail. But if you look at the 16:09:22
 22 bottom of the second page, there is an e-mail 16:09:24
 23 from you to Tiffany Rowley dated November 19, 16:09:27
 24 2009. 16:09:33
 25 Do you see that? 16:09:33

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1 A. Oh, here. Yes. 16:09:33
 2 Q. Okay. Now, in that 16:09:41
 3 November 19, 2009 e-mail, you ask, among 16:09:45
 4 other things, to Tiffany, quote, "Is it 16:09:48
 5 feasible to run chargeback summary reports 16:09:53
 6 each time we receive information through the 16:09:55
 7 industry about DEA actions against pharmacies 16:09:57
 8 or physicians?" 16:09:59
 9 Did I read that correctly? 16:10:00
 10 A. Yes. 16:10:00
 11 Q. So is it fair to say that at 16:10:02
 12 least as of November 2000 -- fair to say that 16:10:04
 13 as of November 19, 2009, you're inquiring 16:10:11
 14 about how to utilize chargeback summary 16:10:15
 15 reports to determine where Mallinckrodt pills 16:10:18
 16 are ending up? 16:10:22
 17 MR. O'CONNOR: Object to form. 16:10:23
 18 THE WITNESS: Yes. 16:10:24
 19 QUESTIONS BY MR. KO: 16:10:24
 20 Q. Okay. And was this -- does 16:10:25
 21 this refresh your recollection at all that 16:10:28
 22 this was about the time you were -- you 16:10:32
 23 became interested in utilizing chargeback 16:10:34
 24 information consistent with the DEA 16:10:36
 25 investigation against Sunrise? 16:10:39

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1 MR. O'CONNOR: Object to form. 16:10:41
 2 THE WITNESS: No. 16:10:42
 3 QUESTIONS BY MR. KO: 16:10:44
 4 Q. Okay. 16:10:44
 5 A. Well, around the same time, 16:10:44
 6 but -- this is not speaking of that, but, 16:10:46
 7 yes, at the same time, yes, sir, sorry. 16:10:48
 8 Q. Yeah, I understand that this 16:10:50
 9 doesn't make any reference -- 16:10:51
 10 A. Okay. I apologize. Yes. 16:10:52
 11 Q. Yeah, that's okay. 16:10:54
 12 Around this time was when 16:10:54
 13 Sunrise -- you began looking into Sunrise as 16:10:56
 14 well, correct? 16:10:59
 15 A. Yes. 16:11:00
 16 Q. And you also were trying to 16:11:01
 17 pull chargeback data and chargeback 16:11:04
 18 information in connection with understanding 16:11:07
 19 where your pills ended up after distributing 16:11:09
 20 to Sunrise, correct? 16:11:13
 21 MR. O'CONNOR: Object to form. 16:11:14
 22 THE WITNESS: Yes. The company 16:11:15
 23 was. I -- yes, not me personally, 16:11:16
 24 yes. 16:11:18
 25

<p style="text-align: right;">Page 362</p> <p>1 QUESTIONS BY MR. KO: 16:11:18</p> <p>2 Q. But it was in connection with 16:11:20</p> <p>3 your obligations as the team leader of the 16:11:21</p> <p>4 suspicious order monitoring program -- 16:11:23</p> <p>5 A. Yes. 16:11:24</p> <p>6 Q. -- right? 16:11:24</p> <p>7 A. Yes. 16:11:25</p> <p>8 Q. Okay. Now, after you asked 16:11:25</p> <p>9 that question on November 19, 2009, 16:11:29</p> <p>10 Tiffany -- by the way, who is Tiffany Rowley 16:11:33</p> <p>11 Kilper? 16:11:37</p> <p>12 A. She -- she was with the 16:11:37</p> <p>13 contract group, contract administration, but 16:11:41</p> <p>14 I'm not certain of what her role entailed. 16:11:45</p> <p>15 Q. Okay. But she was someone who 16:11:48</p> <p>16 you consulted with to pull chargeback 16:11:50</p> <p>17 information, correct? 16:11:52</p> <p>18 A. Yes. 16:11:53</p> <p>19 Q. Okay. And she responds, "Sure, 16:11:57</p> <p>20 Karen, I can always provide that data." 16:12:02</p> <p>21 Do you see that? 16:12:05</p> <p>22 A. Yes. 16:12:05</p> <p>23 Q. And unfortunately, for this 16:12:08</p> <p>24 e-mail exchange there's no date that's 16:12:10</p> <p>25 indicated for that particular e-mail, but we 16:12:17</p>	<p style="text-align: right;">Page 364</p> <p>1 requests might be or how many end user 16:13:18</p> <p>2 inquiries per month, I can run this by my 16:13:21</p> <p>3 manager to ensure she agrees this fits our 16:13:24</p> <p>4 area. I just pull the data from Cognos. 16:13:26</p> <p>5 It's nothing complicated at all. I'd be 16:13:29</p> <p>6 happy to train someone in your group to do 16:13:31</p> <p>7 this if that makes more sense." 16:13:33</p> <p>8 Did I read that correctly? 16:13:35</p> <p>9 A. Yes. 16:13:35</p> <p>10 Q. So as of February 22, 2010, is 16:13:35</p> <p>11 it accurate to say that Mallinckrodt 16:13:43</p> <p>12 certainly has the ability to run chargeback 16:13:44</p> <p>13 information and chargeback data to determine 16:13:51</p> <p>14 where Mallinckrodt pills are going? 16:13:53</p> <p>15 MR. O'CONNOR: Object to form. 16:13:54</p> <p>16 THE WITNESS: Yes. 16:13:55</p> <p>17 QUESTIONS BY MR. KO: 16:13:55</p> <p>18 Q. Okay. And this request 16:13:55</p> <p>19 actually originated on November 19, 2009, as 16:13:56</p> <p>20 indicated by your original e-mail, correct? 16:14:04</p> <p>21 A. Yes. 16:14:06</p> <p>22 Q. And she's -- it's accurate to 16:14:08</p> <p>23 say that at least based on 16:14:11</p> <p>24 Ms. Rowley-Kilper's characterization, it's 16:14:16</p> <p>25 nothing complicated at all to pull this data, 16:14:17</p>
<p style="text-align: right;">Page 363</p> <p>1 can move up to your Monday, February 22, 2010 16:12:19</p> <p>2 e-mail. 16:12:22</p> <p>3 Do you see that? 16:12:23</p> <p>4 A. I do. 16:12:23</p> <p>5 Q. And you say, "Tiffany, we 16:12:24</p> <p>6 exchanged e-mails several months ago about 16:12:27</p> <p>7 running chargeback reports as a benefit to 16:12:28</p> <p>8 the business based upon information we 16:12:30</p> <p>9 receive regarding DEA actions against 16:12:33</p> <p>10 registrants and industry news." 16:12:35</p> <p>11 Did I read that correctly? 16:12:39</p> <p>12 A. Yes. 16:12:39</p> <p>13 Q. So for whatever reason, three 16:12:41</p> <p>14 months pass between when you first ask 16:12:45</p> <p>15 Ms. Kilper to identify and run certain 16:12:49</p> <p>16 requests with respect to chargeback 16:12:51</p> <p>17 information and when you follow up again with 16:12:53</p> <p>18 her about this request; is that accurate? 16:12:59</p> <p>19 A. Yes. 16:13:01</p> <p>20 Q. Okay. And then she responds 16:13:01</p> <p>21 that same day that -- with some questions, 16:13:03</p> <p>22 but ultimately she -- well, let me read it 16:13:10</p> <p>23 for you. 16:13:13</p> <p>24 She says, "Karen, if you could 16:13:14</p> <p>25 give me an estimate of how frequent the 16:13:17</p>	<p style="text-align: right;">Page 365</p> <p>1 correct? 16:14:20</p> <p>2 MR. O'CONNOR: Object to form. 16:14:20</p> <p>3 THE WITNESS: Correct. 16:14:21</p> <p>4 QUESTIONS BY MR. KO: 16:14:22</p> <p>5 Q. And she would be happy to train 16:14:22</p> <p>6 someone in your group to do it yourself? 16:14:24</p> <p>7 A. Correct. 16:14:25</p> <p>8 Q. Did you take her up on her 16:14:26</p> <p>9 offer? 16:14:27</p> <p>10 A. No. 16:14:28</p> <p>11 Q. Okay. Ms. Kilper always ran 16:14:28</p> <p>12 the chargeback reports, correct? 16:14:31</p> <p>13 MR. O'CONNOR: Object to form. 16:14:32</p> <p>14 THE WITNESS: Not always. 16:14:34</p> <p>15 QUESTIONS BY MR. KO: 16:14:34</p> <p>16 Q. Did you ever run a chargeback 16:14:35</p> <p>17 report? 16:14:36</p> <p>18 A. No. 16:14:36</p> <p>19 Q. You had some other people do 16:14:37</p> <p>20 it, correct? 16:14:38</p> <p>21 A. Yes. 16:14:38</p> <p>22 Q. And was there ever a time in 16:14:38</p> <p>23 which it was indicated to you that it would 16:14:41</p> <p>24 be difficult to pull this data? 16:14:44</p> <p>25 A. No. 16:14:47</p>

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1 Q. Okay. In fact, it was quite 16:14:49
2 easy and they could -- whomever you directed 16:14:52
3 would always comply with your request for 16:14:55
4 this information, correct? 16:14:57
5 MR. O'CONNOR: Object to form. 16:14:58
6 THE WITNESS: Yes. Yes. 16:14:59
7 QUESTIONS BY MR. KO: 16:14:59
8 Q. Now, turning to the first page 16:15:00
9 of this e-mail, you indicate -- sorry, not 16:15:03
10 you, but Ms. Johnson, who appears to be a 16:15:09
11 compliance assistant, she asks you whether or 16:15:12
12 not anything has been figured out on the 16:15:16
13 chargeback requests yet. 16:15:18
14 Do you see that? 16:15:19
15 A. Yes. 16:15:19
16 Q. And that's dated March 8, 2010? 16:15:24
17 A. Yes. 16:15:27
18 Q. And it appears that there was 16:15:28
19 no response by you until Tiffany asks whether 16:15:31
20 or not something was in her court on this, 16:15:37
21 because she never heard back in response to 16:15:40
22 your questions. 16:15:42
23 Do you see that? 16:15:43
24 A. Yes. 16:15:44
25 Q. Okay. And finally at the top 16:15:45

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1 of this e-mail, you indicate to Carrie that 16:15:48
2 "I have the next steps on this. I'll discuss 16:15:51
3 with you later this week. I am booked solid 16:15:53
4 with meetings today. Thanks for following up 16:15:56
5 to get your project going." 16:15:59
6 Did I read that correctly? 16:16:02
7 A. Yes. 16:16:02
8 Q. Okay. So is it fair to say 16:16:02
9 that there is a approximately four-month time 16:16:03
10 period in which -- between when you first 16:16:05
11 asked for this information and when action is 16:16:07
12 actually taken on obtaining this chargeback 16:16:12
13 information? 16:16:16
14 A. Yes. 16:16:17
15 Q. Okay. And of course it's clear 16:16:23
16 from this e-mail exchange that the ball was 16:16:25
17 in your court to respond to Carrie. 16:16:29
18 And unfortunately I don't have 16:16:31
19 any subsequent documentation of when, in 16:16:33
20 fact, you responded, but at least four months 16:16:35
21 go by between when you first ask and when you 16:16:37
22 again follow up with Tiffany and Carrie on 16:16:40
23 the chargeback data requests, correct? 16:16:43
24 MR. O'CONNOR: Object to form. 16:16:45
25 THE WITNESS: Yes. 16:16:45

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1 MR. KO: Why don't we take a 16:16:47
2 break. 16:16:52
3 MR. O'CONNOR: Sure. 16:16:53
4 VIDEOGRAPHER: We are going off 16:16:54
5 the record at 4:16 p.m. 16:16:55
6 (Off the record at 4:16 p.m.) 16:16:56
7 VIDEOGRAPHER: We are back on 16:35:05
8 the record at 4:35 p.m. 16:35:06
9 QUESTIONS BY MR. KO: 16:35:07
10 Q. Welcome back, Ms. Harper. 16:35:08
11 Thank you for your patience today. I 16:35:11
12 appreciate your -- the time that you have 16:35:13
13 spent, and we have, I think, a few more hours 16:35:14
14 to go. 16:35:19
15 So before we broke, we were 16:35:19
16 talking about utilization of chargeback data. 16:35:22
17 Do you recall that? 16:35:26
18 A. Yes. 16:35:26
19 Q. And -- 16:35:27
20 MR. O'CONNOR: Can we go off 16:35:28
21 the record for just a second to put 16:35:30
22 the mic on? 16:35:31
23 THE WITNESS: Oh, I'm sorry. 16:35:36
24 QUESTIONS BY MR. KO: 16:35:38
25 Q. So a moment ago we were talking 16:35:57

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1 about chargebacks, correct? 16:35:58
2 A. Yes. 16:36:00
3 Q. And was -- in the late 2009 16:36:00
4 time period you had asked about whether or 16:36:05
5 not someone could run certain chargeback data 16:36:09
6 for you so that you could understand the 16:36:11
7 details of a transaction in which 16:36:15
8 Mallinckrodt was sending its pills to a 16:36:18
9 particular distributor, correct? 16:36:22
10 MR. O'CONNOR: Object to form. 16:36:23
11 THE WITNESS: Yes. 16:36:23
12 QUESTIONS BY MR. KO: 16:36:23
13 Q. And specifically, was it your 16:36:24
14 idea to take the information you learned -- 16:36:28
15 well, strike that. 16:36:29
16 One of the reasons for 16:36:34
17 identifying -- or utilizing chargeback 16:36:38
18 information was to take the information you 16:36:40
19 received regarding certain DEA actions 16:36:46
20 against registrants and industry news that 16:36:50
21 you had acquired, correct? 16:36:52
22 MR. O'CONNOR: Object to form. 16:36:53
23 THE WITNESS: Yes. 16:36:54
24 QUESTIONS BY MR. KO: 16:36:54
25 Q. So the idea was to take that 16:36:54

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<p>1 information regarding specific pharmacies and 16:36:59</p> <p>2 doctors and go into your data to determine 16:37:04</p> <p>3 whether or not Mallinckrodt was selling to 16:37:07</p> <p>4 these pharmacies or physicians, correct? 16:37:10</p> <p>5 MR. O'CONNOR: Object to form. 16:37:13</p> <p>6 THE WITNESS: Whether or not 16:37:13</p> <p>7 they were our -- they were downstream 16:37:15</p> <p>8 customers of the distributors of our 16:37:18</p> <p>9 product, yes. 16:37:20</p> <p>10 QUESTIONS BY MR. KO: 16:37:21</p> <p>11 Q. Right. 16:37:21</p> <p>12 So the idea -- 16:37:21</p> <p>13 A. Yes. 16:37:22</p> <p>14 Q. -- of -- one of the reasons for 16:37:22</p> <p>15 why you utilize chargeback information is to 16:37:26</p> <p>16 determine whether or not Mallinckrodt was 16:37:29</p> <p>17 selling to pharmacies or physicians that were 16:37:36</p> <p>18 customers of distributors that you sold to, 16:37:38</p> <p>19 correct? 16:37:40</p> <p>20 MR. O'CONNOR: Object to form. 16:37:41</p> <p>21 THE WITNESS: Yes. 16:37:42</p> <p>22 QUESTIONS BY MR. KO: 16:37:43</p> <p>23 Q. Okay. And the idea of using 16:37:48</p> <p>24 this chargeback information was also to make 16:37:49</p> <p>25 sure your customers/wholesale distributors 16:37:52</p>	<p>1 document ends in Bates 421850. 16:39:03</p> <p>2 And this is an e-mail chain 16:39:21</p> <p>3 from the July 21, 2000 time period regarding 16:39:23</p> <p>4 Mallinckrodt suspicious order monitoring and 16:39:29</p> <p>5 the Harvard Drug license suspension. 16:39:30</p> <p>6 Do you see that? 16:39:32</p> <p>7 A. I'm reading the e-mail, 16:39:33</p> <p>8 please -- 16:39:41</p> <p>9 Q. Sure. 16:39:41</p> <p>10 A. -- so that I can understand the 16:39:41</p> <p>11 whole context. 16:39:41</p> <p>12 Q. Absolutely. 16:39:41</p> <p>13 And my questions will relate to 16:40:02</p> <p>14 just the first page of this e-mail. 16:40:04</p> <p>15 A. All right. I'm ready. Thank 16:40:06</p> <p>16 you. 16:40:07</p> <p>17 Q. Okay. On July 21, 2010, 16:40:07</p> <p>18 Mr. Ratliff asks you whether or not, quote, 16:40:14</p> <p>19 "As an aside, are we capable of knowing our 16:40:19</p> <p>20 customers' customers with any specificity?" 16:40:22</p> <p>21 end quote. 16:40:27</p> <p>22 Did I read that correctly? 16:40:28</p> <p>23 A. Yes. 16:40:28</p> <p>24 Q. And you respond that same day 16:40:29</p> <p>25 that -- well, why don't you read the first 16:40:30</p>
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<p>1 were not also selling Mallinckrodt drugs to 16:37:56</p> <p>2 these pharmacies or physicians, correct? 16:38:00</p> <p>3 A. Yes. 16:38:02</p> <p>4 Q. Okay. And again, you had this 16:38:03</p> <p>5 idea, or at least you discussed the 16:38:07</p> <p>6 possibility of obtaining this data, as of 16:38:11</p> <p>7 November 2009, correct? 16:38:14</p> <p>8 A. Yes. 16:38:15</p> <p>9 Q. And also turning back to some 16:38:17</p> <p>10 of the e-mails that we had discussed 16:38:20</p> <p>11 previously in 2007, you were -- it's accurate 16:38:23</p> <p>12 to say that Mallinckrodt employees knew as of 16:38:28</p> <p>13 2007 how to utilize chargeback data to 16:38:31</p> <p>14 understand where pills were going after they 16:38:34</p> <p>15 were shipped to Mallinckrodt customers, 16:38:37</p> <p>16 correct? 16:38:39</p> <p>17 MR. O'CONNOR: Object to form. 16:38:39</p> <p>18 THE WITNESS: Yes. 16:38:39</p> <p>19 (Mallinckrodt-Harper Exhibit 23 16:38:51</p> <p>20 marked for identification.) 16:38:51</p> <p>21 QUESTIONS BY MR. KO: 16:38:51</p> <p>22 Q. Okay. I'm going to hand you a 16:38:52</p> <p>23 copy of what will be marked as Harper 16:38:53</p> <p>24 Exhibit 23. 16:38:55</p> <p>25 And for the record, this 16:39:02</p>	<p>1 sentence of that e-mail response. 16:40:35</p> <p>2 A. "Using chargeback data, it is 16:40:39</p> <p>3 indeed possible to know our customer's 16:40:41</p> <p>4 customer with great specificity." 16:40:46</p> <p>5 Q. Okay. And do you have any 16:40:49</p> <p>6 reason to doubt that you in fact sent that 16:40:50</p> <p>7 e-mail to Mr. Ratliff on July 21, 2010? 16:40:51</p> <p>8 A. No. 16:40:54</p> <p>9 Q. And so it's accurate to state 16:40:55</p> <p>10 that as of July 2010, you understood that you 16:40:58</p> <p>11 could utilize chargeback data to understand 16:41:03</p> <p>12 with great specificity knowledge of your 16:41:07</p> <p>13 customer's customer; is that accurate? 16:41:11</p> <p>14 A. Knowledge of who our customer 16:41:14</p> <p>15 was shipping to, yes. 16:41:20</p> <p>16 Q. Okay. So just so the record is 16:41:21</p> <p>17 clear, yes or no: Is it accurate to state 16:41:25</p> <p>18 that as of July 2010, you understood that you 16:41:26</p> <p>19 could utilize chargeback data to understand 16:41:32</p> <p>20 with great specificity where -- where your 16:41:34</p> <p>21 pills were going after you shipped to the 16:41:38</p> <p>22 distributor? 16:41:42</p> <p>23 MR. O'CONNOR: Object to form. 16:41:42</p> <p>24 THE WITNESS: Yes. 16:41:43</p> <p>25</p>

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<p>1 QUESTIONS BY MR. KO: 16:41:43</p> <p>2 Q. You can set that aside. 16:41:46</p> <p>3 (Mallinckrodt-Harper Exhibit 24 16:41:48</p> <p>4 marked for identification.) 16:41:49</p> <p>5 QUESTIONS BY MR. KO: 16:41:49</p> <p>6 Q. This is a copy of what will be 16:41:59</p> <p>7 marked as Harper Exhibit 24. 16:42:00</p> <p>8 And this ends, for the record, 16:42:09</p> <p>9 ends in Bates 280607. 16:42:09</p> <p>10 And this appears to be a 16:42:31</p> <p>11 November 1, 2010 letter that you send to Paul 16:42:32</p> <p>12 Kleissle, correct? 16:42:38</p> <p>13 A. Yes. 16:42:39</p> <p>14 Q. And you'll see later on there's 16:42:40</p> <p>15 the signature block of you on the second 16:42:43</p> <p>16 page. 16:42:46</p> <p>17 A. Yes. 16:42:47</p> <p>18 Q. And is it accurate to say that 16:42:47</p> <p>19 you're sending him this correspondence on 16:42:49</p> <p>20 November 1, 2010, to describe to him what you 16:42:52</p> <p>21 can utilize based on the chargeback 16:42:56</p> <p>22 information that you are -- that you have 16:42:59</p> <p>23 been reviewing in that 2010 time period? 16:43:00</p> <p>24 A. Yes. 16:43:03</p> <p>25 Q. Okay. That's all I have on 16:43:04</p>	<p>1 review of chargeback data." 16:44:39</p> <p>2 Did I read that correctly? 16:44:41</p> <p>3 A. Yes. 16:44:41</p> <p>4 Q. Okay. And understanding that 16:44:41</p> <p>5 you don't recall the use of the word 16:44:45</p> <p>6 "indirect match report," you at least in this 16:44:47</p> <p>7 correspondence refer to retail pharmacies as 16:44:53</p> <p>8 indirect end user customers, correct? 16:44:55</p> <p>9 A. Yes. 16:44:58</p> <p>10 Q. Okay. Do you recall a time in 16:45:00</p> <p>11 which -- and you state to Mr. Kleissle that 16:45:03</p> <p>12 you can do this and accomplish this by 16:45:07</p> <p>13 reviewing chargeback data, correct? 16:45:11</p> <p>14 A. Yes. 16:45:12</p> <p>15 Q. Okay. And so do you recall a 16:45:12</p> <p>16 time in which you had asked for reports to be 16:45:15</p> <p>17 run on indirect end user customers? 16:45:20</p> <p>18 A. Yes. 16:45:24</p> <p>19 Q. Okay. And these -- you can set 16:45:25</p> <p>20 that aside. 16:45:28</p> <p>21 And in these reports -- you ran 16:45:28</p> <p>22 certain reports or had asked certain reports 16:45:37</p> <p>23 to be run in connection with certain 16:45:39</p> <p>24 customers that you were shipping drugs to, 16:45:44</p> <p>25 including Harvard, for example, correct? 16:45:49</p>
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<p>1 that document. 16:43:14</p> <p>2 Now, in connection with running 16:43:15</p> <p>3 chargeback reports, is it also accurate to 16:43:28</p> <p>4 say that indirect match reports were reports 16:43:33</p> <p>5 that you asked to be run to understand the 16:43:40</p> <p>6 downstream details of a transaction? 16:43:44</p> <p>7 MR. O'CONNOR: Object to form. 16:43:46</p> <p>8 THE WITNESS: I don't 16:43:47</p> <p>9 understand the term "indirect match 16:43:49</p> <p>10 report." 16:43:50</p> <p>11 QUESTIONS BY MR. KO: 16:43:52</p> <p>12 Q. Okay. How about -- let's -- 16:43:52</p> <p>13 I'm sorry, let's go back to that document 16:43:55</p> <p>14 then that we just set aside. 16:43:58</p> <p>15 A. All right. 16:43:59</p> <p>16 Q. And in the first sentence of 16:44:00</p> <p>17 this correspondence to Mr. Kleissle, you 16:44:09</p> <p>18 ask -- or you indicate, "In an ongoing effort 16:44:12</p> <p>19 to enhance our existing suspicious order 16:44:15</p> <p>20 monitoring program and in accordance with 21 16:44:18</p> <p>21 CFR 1301.74, Mallinckrodt has begun the 16:44:22</p> <p>22 process of reviewing sales to indirect end 16:44:26</p> <p>23 user customers, open parens, retail 16:44:30</p> <p>24 pharmacies, close parens, but geographic 16:44:34</p> <p>25 region. This analysis is accomplished by a 16:44:36</p>	<p>1 MR. O'CONNOR: Object to form. 16:45:51</p> <p>2 THE WITNESS: Yes. 16:45:51</p> <p>3 QUESTIONS BY MR. KO: 16:45:53</p> <p>4 Q. By the way, when asking others 16:46:04</p> <p>5 to run reports about indirect end users, did 16:46:06</p> <p>6 you have a name for these reports, or did you 16:46:13</p> <p>7 call them by a specific moniker? 16:46:15</p> <p>8 A. I believe chargeback reports. 16:46:19</p> <p>9 Q. Okay. 16:46:21</p> <p>10 A. Yes. 16:46:21</p> <p>11 Q. So that's helpful. 16:46:22</p> <p>12 So you -- is it accurate to say 16:46:23</p> <p>13 that identification of pills that end up -- 16:46:28</p> <p>14 end up at retail pharmacies was accomplished 16:46:35</p> <p>15 through running chargeback reports? 16:46:38</p> <p>16 A. Yes. 16:46:41</p> <p>17 Q. Okay. And you performed 16:46:41</p> <p>18 chargeback reports in connection with various 16:46:46</p> <p>19 distributors that had their license suspended 16:46:50</p> <p>20 by the DEA, including Harvard, for example, 16:46:52</p> <p>21 correct? 16:46:54</p> <p>22 MR. O'CONNOR: Object to form. 16:46:55</p> <p>23 THE WITNESS: Yes. 16:46:56</p> <p>24 QUESTIONS BY MR. KO: 16:46:56</p> <p>25 Q. Okay. And also Masters and 16:46:57</p>

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1	Sunrise and Cedardale? 16:46:59	1	Q. And do you recall who you had 16:48:59
2	MR. O'CONNOR: Same objection. 16:47:05	2	perform that analysis? 16:49:07
3	THE WITNESS: Yes. 16:47:06	3	A. No. 16:49:08
4	QUESTIONS BY MR. KO: 16:47:06	4	Q. Either Ms. Spaulding or 16:49:08
5	Q. Okay. Did you also run 16:47:06	5	Ms. Rowley-Kilper? 16:49:10
6	chargeback reports for customers of 16:47:08	6	A. It may have been Ms. Neely. 16:49:11
7	KeySource? 16:47:09	7	Q. Ms. Neely, okay. 16:49:13
8	A. Yes. 16:47:11	8	Now, I'll represent for the 16:49:16
9	Q. Okay. So is it fair to say 16:47:14	9	record that this is a summary of the 16:49:19
10	that you had chargeback reports run for 16:47:18	10	chargeback information that appears on that 16:49:20
11	customers of KeySource, Cedardale, Masters, 16:47:24	11	report. And if you look at the bottom row 16:49:28
12	Sunrise and Harvard? 16:47:29	12	total, there appears to be 12,487 total 16:49:33
13	A. Yes. 16:47:30	13	orders recorded in which Harvard Drug sold 16:49:43
14	Q. And this was all in the 2009 to 16:47:30	14	controlled substances. 16:49:48
15	2010 time period? 16:47:32	15	Do you see that? 16:49:49
16	A. I'm terrible with my years, 16:47:33	16	A. Yes. 16:49:49
17	but -- I don't know the year. 16:47:36	17	Q. So I'll represent to you for 16:49:50
18	Q. Okay. 16:47:40	18	the record that the chargeback data that you 16:49:52
19	A. The years. 16:47:40	19	had run for Harvard Drug reported that there 16:49:58
20	Q. Generally speaking, was it -- 16:47:40	20	were 12,000 -- a total of 12,487 16:49:59
21	do you recall these reports being run in the 16:47:42	21	transactions. 16:50:02
22	2009 through 2011 time period? 16:47:45	22	MR. O'CONNOR: Counsel, I'm 16:50:03
23	A. Yes. 16:47:47	23	going to object. 16:50:03
24	Q. Okay. Now, the chargeback 16:47:52	24	Just to be clear, are you 16:50:04
25	reports you could distinguish by Mallinckrodt 16:47:58	25	saying that this is a document that 16:50:06
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1	drug, correct? 16:48:02	1	you've prepared based on produced 16:50:08
2	MR. O'CONNOR: Objection. 16:48:04	2	data? 16:50:11
3	THE WITNESS: Yes. 16:48:04	3	MR. KO: Based on produced 16:50:11
4	QUESTIONS BY MR. KO: 16:48:05	4	data, the Bates number which appears 16:50:13
5	Q. In other words, you could 16:48:05	5	at the top of this. 16:50:14
6	determine -- you could sort by all oxy 15s or 16:48:06	6	MR. O'CONNOR: Okay. So the 16:50:15
7	30s that Mallinckrodt was sending to a 16:48:13	7	fact that the Bates number is at the 16:50:15
8	particular customer, correct? 16:48:14	8	top here does not mean that this is a 16:50:17
9	A. Yes. 16:48:16	9	copy of the document we produced? 16:50:18
10	(Mallinckrodt-Harper Exhibit 25 16:48:19	10	MR. KO: That's -- that's 16:50:20
11	marked for identification.) 16:48:20	11	right. 16:50:22
12	QUESTIONS BY MR. KO: 16:48:20	12	MR. O'CONNOR: Okay. Thank 16:50:22
13	Q. Okay. I'm going to hand you a 16:48:20	13	you. 16:50:24
14	copy of what's going to be marked as 16:48:22	14	MR. KO: This itself is not a 16:50:24
15	Exhibit 25. 16:48:25	15	copy of a document that you produced 16:50:27
16	And I will represent to counsel 16:48:30	16	but is instead based on the 16:50:29
17	and for the record that this is a 16:48:32	17	information that is -- appears on this 16:50:30
18	demonstrative chart that we have prepared 16:48:33	18	Bates number. 16:50:32
19	based on chargeback data that you had pulled 16:48:36	19	MR. O'CONNOR: Thank you. 16:50:32
20	for Harvard. 16:48:39	20	QUESTIONS BY MR. KO: 16:50:33
21	And we can refer to it in a 16:48:48	21	Q. Now, I'll represent to you that 16:50:36
22	moment, but again, to be clear, you had run 16:48:51	22	this Bates number -- or this document 16:50:38
23	chargeback reports in connection with 16:48:55	23	reflects that Harvard Drug was doing business 16:50:44
24	customers of Harvard Drug, correct? 16:48:57	24	as First Veterinary Supply. 16:50:48
25	A. Yes. 16:48:59	25	Do you recall ever being made 16:50:51

<p style="text-align: right;">Page 382</p> <p>1 aware of certain transactions or pills that 16:50:56</p> <p>2 were being sent to a First Veterinary Supply? 16:50:58</p> <p>3 A. No. 16:51:00</p> <p>4 Q. Okay. Would you agree with me 16:51:02</p> <p>5 that sending pills to a -- prescription 16:51:03</p> <p>6 opioids to a veterinarian clinic would be 16:51:07</p> <p>7 suspicious or potentially suspicious? 16:51:14</p> <p>8 MR. O'CONNOR: Object to form. 16:51:15</p> <p>9 THE WITNESS: That depends on 16:51:16</p> <p>10 the product and the quantities. 16:51:18</p> <p>11 QUESTIONS BY MR. KO: 16:51:19</p> <p>12 Q. Okay. Do you recall shipping 16:51:19</p> <p>13 prescription opioids to vet clinics? 16:51:23</p> <p>14 A. I cannot say if we did or did 16:51:25</p> <p>15 not. 16:51:26</p> <p>16 Q. Okay. Harvard Drug -- do you 16:51:27</p> <p>17 recall when Harvard Drug had its license 16:51:41</p> <p>18 suspended by the DEA? 16:51:44</p> <p>19 A. 2010 or before, around that 16:51:45</p> <p>20 time. 16:51:51</p> <p>21 Q. Okay. And they had their 16:51:52</p> <p>22 license suspended because of diversion of 16:51:54</p> <p>23 pills -- diversion of pills by certain 16:51:58</p> <p>24 customers that they sold to, correct? 16:52:05</p> <p>25 MR. O'CONNOR: Object to form. 16:52:07</p>	<p style="text-align: right;">Page 384</p> <p>1 enough information to answer that question. 16:53:37</p> <p>2 Q. Okay. But if you look at 16:53:39</p> <p>3 Florida percent POs -- do you see that? 16:53:40</p> <p>4 A. I do. 16:53:43</p> <p>5 Q. Okay. And is that -- in the 16:53:44</p> <p>6 chargeback data, you had been able to 16:53:47</p> <p>7 determine what percentage of purchase orders 16:53:51</p> <p>8 went to Florida, correct? 16:53:55</p> <p>9 A. No. 16:53:56</p> <p>10 Q. You did not? 16:54:01</p> <p>11 A. No. 16:54:02</p> <p>12 Q. Okay. Wasn't it the case that 16:54:02</p> <p>13 through the chargeback data you knew you 16:54:08</p> <p>14 could understand, as we discussed earlier, 16:54:11</p> <p>15 where the pills that you sold to the 16:54:13</p> <p>16 distributors were going? 16:54:16</p> <p>17 A. Yes, but in this context, I 16:54:17</p> <p>18 believe the purchase order to be the purchase 16:54:20</p> <p>19 order from Harvard to Mallinckrodt as the 16:54:22</p> <p>20 supplier, not forward through the supply 16:54:25</p> <p>21 chain. 16:54:27</p> <p>22 Q. Okay. So it's your 16:54:27</p> <p>23 understanding that this is just -- well, 16:54:28</p> <p>24 Harvard Drug, do you know where they were 16:54:32</p> <p>25 located? 16:54:35</p>
<p style="text-align: right;">Page 383</p> <p>1 THE WITNESS: Yes. 16:52:08</p> <p>2 QUESTIONS BY MR. KO: 16:52:10</p> <p>3 Q. Okay. And would you agree with 16:52:10</p> <p>4 me that First Vet Supply is not a physician 16:52:25</p> <p>5 or a pain clinic? 16:52:30</p> <p>6 A. I don't know their business 16:52:32</p> <p>7 model. I don't -- is their DEA registration 16:52:34</p> <p>8 number the same as Harvard Drug Group? 16:52:38</p> <p>9 Q. I believe that to be the case, 16:52:42</p> <p>10 actually. 16:52:44</p> <p>11 A. So, many of our distributors 16:52:44</p> <p>12 had d/b/a second lines, and that's a -- my 16:52:54</p> <p>13 understanding is a legal term implying the 16:52:57</p> <p>14 organization of a corporation. So I only 16:52:59</p> <p>15 knew this customer as Harvard Drug. 16:53:01</p> <p>16 Q. Okay. Setting aside the name, 16:53:03</p> <p>17 did you understand that a large percentage of 16:53:10</p> <p>18 drugs sold by Harvard Drug were going to 16:53:15</p> <p>19 Florida? And in particular, I direct you to 16:53:18</p> <p>20 the percentages that appear in the middle of 16:53:28</p> <p>21 the screen that show Florida percentage. 16:53:24</p> <p>22 A. So total POs doesn't tell me 16:53:28</p> <p>23 number of drugs. They could have been 16:53:30</p> <p>24 purchase orders for a hundred drugs or 10,000 16:53:33</p> <p>25 dosage units, so I can't -- I don't have 16:53:35</p>	<p style="text-align: right;">Page 385</p> <p>1 A. I believe Wisconsin. 16:54:35</p> <p>2 Q. Okay. I think they were in 16:54:37</p> <p>3 Michigan, but somewhere in the Midwest. 16:54:40</p> <p>4 A. All right. 16:54:42</p> <p>5 Q. So you're saying that this is 16:54:42</p> <p>6 the percentage of initial pills that go to 16:54:43</p> <p>7 the distributor? 16:54:47</p> <p>8 A. Again, these are purchase 16:54:48</p> <p>9 orders. They could have been for 100 pills 16:54:51</p> <p>10 or a million pills. I don't have enough 16:54:55</p> <p>11 information to answer the question. 16:54:57</p> <p>12 Q. Okay. Turn to the second page 16:54:58</p> <p>13 of this document. And so these -- these 16:55:06</p> <p>14 columns, by the way, are taken straight from 16:55:14</p> <p>15 the -- I'll represent to you that they're 16:55:16</p> <p>16 taken straight from the chargeback reports 16:55:18</p> <p>17 that are reflected by this Bates number. 16:55:22</p> <p>18 And if you see on the far 16:55:25</p> <p>19 right-hand side above the oxy 15 and oxy 30 16:55:27</p> <p>20 sections, do you see the reference to UOM? 16:55:30</p> <p>21 A. I do. 16:55:34</p> <p>22 Q. And what's your understanding 16:55:34</p> <p>23 of UOM? 16:55:35</p> <p>24 A. Unit of measure. 16:55:36</p> <p>25 Q. Okay. And would that actually 16:55:38</p>

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1 be synonymous with, for example, a pill? 16:55:40

2 A. Yes. 16:55:44

3 Q. So that's the actual amount of 16:55:45

4 pills that are being shipped for that 16:55:47

5 particular order, correct? 16:55:51

6 A. It -- this is a monthly total, 16:55:53

7 so, yes, if we're -- yes, I'm sorry, I didn't 16:55:59

8 have the correlation to -- that a PO equals 16:56:04

9 one month in -- I'm just not familiar with 16:56:08

10 the spreadsheet, so, yes. 16:56:10

11 Q. Yeah, fair enough. 16:56:12

12 And on the -- on this document 16:56:13

13 there's an indication also of Florida 16:56:18

14 percentage sales, quantity government UOM. 16:56:21

15 Do you see that? 16:56:24

16 A. Yes. 16:56:24

17 Q. Do you recall that particular 16:56:25

18 data field in the chargeback information? 16:56:28

19 A. Yes. 16:56:30

20 Q. Okay. And so does that reflect 16:56:31

21 the percentage of pills that went to 16:56:33

22 downstream customers of Mallinckrodt? 16:56:37

23 MR. O'CONNOR: Object to form. 16:56:40

24 QUESTIONS BY MR. KO: 16:56:45

25 Q. In other words -- let me ask it 16:56:46

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1 a different way. 16:56:47

2 Does this percentage reflect 16:56:47

3 the total percentage of pills relative to the 16:56:49

4 total order that ended up in Florida? 16:56:52

5 MR. O'CONNOR: Object to form. 16:56:55

6 THE WITNESS: Yes. 16:56:55

7 QUESTIONS BY MR. KO: 16:56:56

8 Q. Okay. So you'll see that the 16:56:56

9 summary indicates below that from the fourth 16:57:00

10 quarter 2008 through the second quarter of 16:57:04

11 2010, that at least with respect to oxy 15s, 16:57:06

12 90.5 percent of Mallinckrodt pills that were 16:57:13

13 sold to Harvard ended up in Florida. 16:57:17

14 Do you see that? 16:57:20

15 A. Yes. 16:57:21

16 Q. Okay. And likewise with 16:57:22

17 respect to oxy 30s during that same time 16:57:23

18 period, 88 percent ended up in Florida, 16:57:27

19 correct? 16:57:31

20 A. Yes. 16:57:31

21 Q. Okay. Was it suspicious to you 16:57:31

22 at the time that such a disproportionate 16:57:37

23 percentage of pills were ending up in 16:57:41

24 Florida? 16:57:43

25 MR. O'CONNOR: Object to form. 16:57:43

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1 THE WITNESS: So this report 16:57:44

2 that you extracted from our production 16:57:48

3 information, it is -- it is data that 16:57:51

4 for certain came to me? 16:57:54

5 QUESTIONS BY MR. KO: 16:57:57

6 Q. Uh-huh. 16:57:59

7 A. It is? 16:58:00

8 Q. No. Yes, this is -- this is 16:58:01

9 data based on chargeback reports that were 16:58:03

10 requested at the direction of you, correct. 16:58:07

11 A. I -- I don't know. 16:58:11

12 Q. Okay. That wasn't my question. 16:58:15

13 A. Okay. 16:58:17

14 Q. I'll represent to you that 16:58:17

15 these chargeback reports were run in 16:58:18

16 connection with your investigation of where 16:58:21

17 your pills were going. 16:58:24

18 So my question to you simply 16:58:25

19 is: Were you aware at the time -- or is it 16:58:28

20 suspicious -- separate and apart from the 16:58:32

21 process of running this report -- 16:58:34

22 A. Uh-huh. 16:58:36

23 Q. -- is it suspicious to you that 16:58:36

24 90 percent of all pills that you shipped to 16:58:40

25 Harvard Drug end up going to Florida? 16:58:44

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1 MR. O'CONNOR: Object to form. 16:58:47

2 THE WITNESS: Yes, it appears 16:58:48

3 to be a disproportionate percentage of 16:59:24

4 this product going into Florida. 16:59:28

5 QUESTIONS BY MR. KO: 16:59:30

6 Q. Okay. Thank you for waiting. 16:59:30

7 A. It's all right. 16:59:31

8 Q. And based on this review of 16:59:32

9 Harvard chargeback information, did you also 16:59:41

10 conclude that Harvard's suspicious order 16:59:45

11 monitoring system was inadequate? 16:59:47

12 A. Can you tell me when -- I don't 16:59:52

13 know when Harvard was suspended. So was this 16:59:54

14 after their suspension that I had the report 16:59:56

15 pulled? 16:59:59

16 Q. Well, I would say separate and 16:59:59

17 apart from these numbers -- 17:00:01

18 A. Okay. 17:00:04

19 Q. -- did you review chargeback 17:00:04

20 data to make the determination of whether or 17:00:07

21 not Harvard's suspicious order monitoring 17:00:10

22 system was effective? 17:00:12

23 MR. O'CONNOR: Object to form. 17:00:14

24 THE WITNESS: I don't know. I 17:00:14

25 don't know how to answer the question. 17:00:20

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1 QUESTIONS BY MR. KO: 17:00:23

2 Q. Okay. Do you recall a period 17:00:23

3 of time, or do you recall ever reviewing the 17:00:24

4 suspicious order monitoring systems of your 17:00:26

5 distributors? 17:00:29

6 A. Of our distributors? 17:00:29

7 Q. Yes. 17:00:32

8 A. To their downstream customers? 17:00:33

9 Q. Correct. 17:00:35

10 A. Yes. 17:00:35

11 Q. In other words, Mallinckrodt 17:00:36

12 was the registrant in the CSA that had duties 17:00:38

13 to maintain effective controls against 17:00:42

14 diversion, but so too were distributors as 17:00:44

15 well, correct? 17:00:46

16 MR. O'CONNOR: Object to form. 17:00:47

17 THE WITNESS: Correct. 17:00:47

18 Correct. 17:00:47

19 QUESTIONS BY MR. KO: 17:00:48

20 Q. So distributors like both 17:00:48

21 Harvard or Sunrise, including the major 17:00:53

22 distributors like ABC, McKesson and Cardinal, 17:00:56

23 all had duties to maintain effective controls 17:00:59

24 against diversion, correct? 17:01:02

25 MS. KVESELIS: Object to form. 17:01:04

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1 THE WITNESS: Correct. 17:01:05

2 QUESTIONS BY MR. KO: 17:01:06

3 Q. And all these registrants had 17:01:06

4 duties to implement and design an effective 17:01:08

5 suspicious order monitoring program, correct? 17:01:11

6 MR. O'CONNOR: Object to form. 17:01:12

7 THE WITNESS: That guards 17:01:13

8 against -- yes, guards against 17:01:16

9 diversion, yes. 17:01:18

10 QUESTIONS BY MR. KO: 17:01:20

11 Q. And was there a period of time 17:01:20

12 in which Mallinckrodt decided to perform an 17:01:21

13 audit or a review of your distributors' SOM 17:01:25

14 programs? 17:01:32

15 A. Yes. 17:01:32

16 Q. And during that review and 17:01:32

17 based on that review, did you make 17:01:33

18 determinations as to whether or not you would 17:01:36

19 continue to ship to certain distributors? 17:01:38

20 A. Yes. 17:01:40

21 Q. And one of the reasons for 17:01:40

22 which you decided to stop shipping to certain 17:01:46

23 distributors was as a result of pulling 17:01:49

24 chargeback information in which you could 17:01:52

25 identify details of where your pills were 17:01:54

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1 going after you shipped them to the 17:01:57

2 distributor, correct? 17:01:59

3 MR. O'CONNOR: Object to form. 17:02:00

4 THE WITNESS: That's one of the 17:02:00

5 reasons that pointed us to a certain 17:02:04

6 distributor, to go and visit them, 17:02:06

7 yes. 17:02:08

8 QUESTIONS BY MR. KO: 17:02:08

9 Q. Okay. And some of this 17:02:09

10 chargeback data, by the way, some of the 17:02:10

11 chargeback information was provided to you by 17:02:13

12 certain distributors, correct? 17:02:15

13 MR. O'CONNOR: Object to form. 17:02:17

14 THE WITNESS: No, this is our 17:02:17

15 information. 17:02:20

16 QUESTIONS BY MR. KO: 17:02:20

17 Q. Okay. In 2010 you performed -- 17:02:21

18 at some point in 2010 you performed some 17:02:36

19 audits of your distributors, correct? 17:02:39

20 A. Yes. 17:02:41

21 Q. And you recall that these 17:02:43

22 audit -- in these audits you actually went to 17:02:46

23 the -- your customer and visited some of 17:02:51

24 their facilities? 17:02:53

25 A. Yes. 17:02:55

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1 Q. And you went to -- I believe 17:02:55

2 you performed on-site audits of at least 17:02:58

3 Masters and KeySource; is that correct? 17:03:02

4 A. Correct. 17:03:04

5 Q. Okay. And these -- what was 17:03:04

6 the purpose of performing these on-site 17:03:06

7 audits? 17:03:10

8 A. So we had reviewed -- the 17:03:11

9 purpose was to review their suspicious order 17:03:14

10 monitoring and understand which -- what due 17:03:19

11 diligence they perform when reviewing their 17:03:21

12 customers. 17:03:24

13 (Mallinckrodt-Harper Exhibit 26 17:03:26

14 marked for identification.) 17:03:27

15 QUESTIONS BY MR. KO: 17:03:27

16 Q. Okay. I'm going to hand you a 17:03:27

17 copy of what's going to be marked as Harper 17:03:28

18 Exhibit 26. 17:03:30

19 And for the record, this is -- 17:03:33

20 ends in Bates 48430. 17:03:34

21 I just have some general 17:03:47

22 questions about this, so feel free to consult 17:03:49

23 the document if you need to. But I just want 17:03:51

24 to know whether or not this reflects the 17:03:54

25 written report of your on-site audit to 17:03:56

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1	Masters as of December 7, 2010? 17:04:00	1	Q. Okay. 17:05:43
2	A. Yes. 17:04:02	2	A. It's my understanding that they 17:05:44
3	Q. And so as you described, one of 17:04:03	3	have recently been reissued a DEA 17:05:47
4	the purposes of performing this audit was to 17:04:04	4	registration, so I don't know the current 17:05:49
5	review Masters' suspicious order monitoring 17:04:08	5	status, but from 2010 forward, no. 17:05:50
6	system; is that correct? 17:04:11	6	Q. Fair enough. 17:05:53
7	A. Yes. 17:04:11	7	And in addition to the on-site 17:05:54
8	Q. Okay. And do you recall 17:04:12	8	audit of Masters, you had done an on-site 17:06:00
9	actually going out to Masters Pharmaceutical 17:04:17	9	audit of KeySource as well, correct? 17:06:03
10	located in Cincinnati, Ohio? 17:04:19	10	A. Yes. 17:06:06
11	A. Yes. 17:04:20	11	Q. Do you recall any other on-site 17:06:06
12	Q. And you went there with 17:04:20	12	audits that you were -- you participated in? 17:06:09
13	Mr. Ratliff, correct? 17:04:21	13	A. Sunrise, previously, and then 17:06:10
14	A. Yes. 17:04:22	14	there were others subsequently. But at this 17:06:12
15	Q. And at the time you -- there 17:04:23	15	time I did not go to Cedardale; several of my 17:06:15
16	was some certain with respect to Masters 17:04:27	16	colleagues did. 17:06:19
17	Pharmaceutical activities, and so that 17:04:30	17	Q. Got it. 17:06:20
18	prompted the need for you and Mr. Ratliff to 17:04:32	18	So other than on-site audits 17:06:20
19	go visit; is that accurate? 17:04:35	19	performed of Cedardale, KeySource, Sunrise 17:06:23
20	A. Yes. 17:04:40	20	and Masters, are you aware of any other 17:06:28
21	Q. Okay. And by the way, Masters 17:04:40	21	on-site audits that the SOM team conducted? 17:06:30
22	Pharmaceutical also had its license suspended 17:04:42	22	A. Ever? 17:06:33
23	by the DEA at some point, correct? 17:04:43	23	Q. From in the 2009 through 2012 17:06:35
24	A. Yes. 17:04:44	24	time period. 17:06:38
25	Q. Okay. I believe that was 2014, 17:04:44	25	A. Yes. 17:06:39
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1	but it related -- is it consistent with your 17:04:49	1	Q. Okay. Which additional on-site 17:06:40
2	understanding that it related to activities 17:04:51	2	audits did you perform? 17:06:44
3	regarding their distribution of prescription 17:04:53	3	A. We went to AmerisourceBergen, 17:06:45
4	opioids in the 2008 through 2014 time period? 17:04:56	4	McKesson, Cardinal, and I believe HD Smith, 17:06:49
5	MR. O'CONNOR: Object to form. 17:04:59	5	although -- yes, HD Smith, yes. 17:06:56
6	THE WITNESS: I don't know the 17:04:59	6	Q. And again, the purpose of these 17:06:59
7	date of the covered conduct. 17:05:01	7	on-site audits was to, among other things, 17:07:01
8	QUESTIONS BY MR. KO: 17:05:04	8	examine and understand their SOM program? 17:07:04
9	Q. Okay. Was there ever a time 17:05:04	9	A. Yes. 17:07:05
10	when you ceased or put a temporary hold on 17:05:10	10	(Mallinckrodt-Harper Exhibit 27 17:07:19
11	shipping orders to Masters? 17:05:13	11	marked for identification.) 17:07:19
12	A. Yes. 17:05:14	12	QUESTIONS BY MR. KO: 17:07:05
13	Q. And that occurred at some point 17:05:14	13	Q. Okay. Now, turning to -- you 17:07:05
14	in the late 2010 time period, right? 17:05:16	14	can set that aside, and I'm going to hand you 17:07:15
15	A. Yes. 17:05:18	15	a copy of what will be marked as Exhibit 27. 17:07:17
16	Q. And after this review, it was 17:05:18	16	And for the record, this ends 17:07:23
17	determined that they were -- it was 17:05:24	17	in Bates 970734. 17:07:25
18	sufficient to resume shipments to Masters; is 17:05:28	18	And this appears to be a letter 17:07:38
19	that fair to say? 17:05:34	19	you drafted to Masters on September 21, 2011, 17:07:40
20	A. No. 17:05:34	20	correct? 17:07:46
21	Q. Or did you -- at the time you 17:05:34	21	A. Yes. 17:07:46
22	ceased sending shipments to Masters in late 17:05:36	22	Q. Okay. And now, you had 17:07:46
23	2010, did you ever resume shipments to 17:05:39	23	testified that you ceased shipments to 17:07:48
24	Masters? 17:05:41	24	Masters at the end of 2010; is that correct? 17:07:52
25	A. No. 17:05:42	25	A. Approximate time. I'm not 17:07:55

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1	certain. 17:07:57	1	A. Yes. 17:09:37
2	Q. But despite -- well, you 17:07:57	2	Q. Okay. So you've done an 17:09:38
3	stopped shipping to them, but you are still 17:08:02	3	analysis of their SOM program, and you 17:09:39
4	undergoing a review of their SOM program; is 17:08:05	4	conclude that Mallinckrodt is not comfortable 17:09:43
5	that correct? 17:08:08	5	making any sales to them? 17:09:46
6	A. At their request, yes. 17:08:08	6	A. Yes. 17:09:47
7	Q. At their request. Okay. 17:08:09	7	Q. You can set that aside. 17:09:47
8	And on -- this culminates in a 17:08:11	8	(Mallinckrodt-Harper Exhibit 28 17:10:00
9	letter on September 21, 2011, from you to 17:08:15	9	marked for identification.) 17:10:01
10	Mr. Corona, who I believe is the president of 17:08:20	10	QUESTIONS BY MR. KO: 17:10:01
11	Masters Pharmaceutical. 17:08:24	11	Q. And I'm going to hand you a 17:10:01
12	Is that consistent with your 17:08:24	12	copy of what'll be marked as Harper 17:10:02
13	understanding? 17:08:25	13	Exhibit 28. 17:10:05
14	A. I don't know his title. He was 17:08:25	14	And for the record, this ends 17:10:07
15	an executive, yes. 17:08:28	15	in Bates 289368. 17:10:08
16	Q. Okay. And you indicate that, 17:08:28	16	Does this letter look familiar 17:10:15
17	among other things, "We are not comfortable 17:08:30	17	to you, Ms. Harper? 17:10:18
18	that your suspicious order monitoring program 17:08:33	18	A. Yes. Yes. 17:10:19
19	is robust enough to identify suspicious 17:08:34	19	Q. And this is -- in your ongoing 17:10:19
20	orders of controlled substances to ensure 17:08:37	20	review of chargeback data, you are able to 17:10:21
21	that the products are being used for 17:08:39	21	identify through this letter that you send to 17:10:24
22	legitimate medicinal purposes." 17:08:42	22	your customers a series of pharmacies that 17:10:30
23	Did I read that correctly? 17:08:46	23	your customers ship to that you will not be 17:10:36
24	A. Yes. 17:08:46	24	processing chargeback requests for; is that 17:10:39
25	Q. And you continue that "As 17:08:46	25	accurate? 17:10:42
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1	parted of our SOM and through evaluation of 17:08:48	1	A. Yes, and it was also after 17:10:42
2	customer buying patterns and chargeback data, 17:08:50	2	meeting with the distributors to understand 17:10:46
3	we have identified unusual purchasing 17:08:53	3	their due diligence at the pharmacy level, 17:10:48
4	patterns by some of your customers for 17:08:54	4	yes. 17:10:50
5	oxycodone 15-milligram and 30-milligram 17:08:56	5	Q. Okay. And just so I understand 17:10:50
6	tablets." 17:09:01	6	this document and just so the record is 17:10:51
7	Did I read that correctly? 17:09:02	7	clear, I understand you sent this same letter 17:10:53
8	A. Yes. 17:09:02	8	to all 43 wholesale distributors of 17:10:57
9	Q. So this is an example of how 17:09:03	9	Mallinckrodt as of October 17, 2011, correct? 17:11:04
10	you have utilized chargeback data that 17:09:05	10	A. Yes. 17:11:06
11	Mallinckrodt can acquire to identify certain 17:09:09	11	Q. And so these were all your 17:11:06
12	customer buying patterns, among other things, 17:09:15	12	customers that you shipped Mallinckrodt 17:11:07
13	correct? 17:09:17	13	opioids to, correct, during this time period? 17:11:12
14	A. Correct. 17:09:18	14	A. Well, specifically oxycodone 15 17:11:14
15	Q. And also to identify unusual 17:09:18	15	and 30, yes. 17:11:16
16	purchasing patterns by some of Masters' 17:09:22	16	Q. Okay. So 40 -- there were 43 17:11:17
17	customers, correct? 17:09:24	17	wholesale distributors as of October 17, 17:11:20
18	MR. O'CONNOR: Object to form. 17:09:25	18	2011, that you had previously done business 17:11:24
19	THE WITNESS: Correct. 17:09:25	19	with that was -- that you had shipped oxy 15s 17:11:27
20	QUESTIONS BY MR. KO: 17:09:26	20	and oxy 30s to, correct? 17:11:29
21	Q. Okay. And based on that 17:09:26	21	MR. O'CONNOR: Object to form. 17:11:31
22	review, you indicate that you are not 17:09:29	22	THE WITNESS: You know, I'd 17:11:32
23	prepared, Mallinckrodt is not prepared, to 17:09:33	23	like to clarify my previous -- so 17:11:35
24	resume sales of controlled substances, 17:09:35	24	these were all wholesalers and 17:11:37
25	correct? 17:09:37	25	distributors of records as purchasing 17:11:39

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1	opioids, but they may not have	17:11:42	1	Mallinckrodt doing audits of your customers'	17:13:28
2	purchased oxy 15 and 30. They may	17:11:43	2	SOM programs. I want to understand to what	17:13:33
3	have purchased other opioids.	17:11:46	3	extent you actually utilize IMS data to make	17:13:36
4	So that's the correct answer.	17:11:48	4	certain determinations as well.	17:13:39
5	QUESTIONS BY MR. KO:	17:11:50	5	A. Okay. We used IMS data to look	17:13:41
6	Q. Okay. Thank you for the	17:11:50	6	at the prescribers of oxycodone 15s and 30s.	17:13:47
7	clarification.	17:11:51	7	When we spoke to the distributors about these	17:13:53
8	A. You're welcome.	17:11:52	8	potentially -- about these pharmacies that	17:13:57
9	Q. So then is it fair to say that	17:11:53	9	displayed red flags, we asked the	17:14:00
10	these 43 wholesalers and distributors	17:11:54	10	distributors if they had a list of the top	17:14:04
11	constituted all the wholesaler distributors	17:11:59	11	prescribers that were writing RXs at these	17:14:06
12	that Mallinckrodt did business with in terms	17:12:02	12	pharmacies, and then that was a method of	17:14:09
13	of shipping prescription opioids to?	17:12:05	13	comparison that we had to this IMS data list	17:14:12
14	A. To the best of my	17:12:07	14	of the top prescribers in the country.	17:14:14
15	understanding, yes.	17:12:08	15	Q. Okay. And when do you recall	17:14:16
16	Q. Okay. And as we just discussed	17:12:09	16	first utilizing the IMS data in connection	17:14:22
17	a moment ago, "effective immediately,	17:12:17	17	with this review of prescriber-level	17:14:26
18	Mallinckrodt will no longer process	17:12:21	18	information?	17:14:28
19	chargebacks from distributor sales of	17:12:22	19	A. I don't know when it started.	17:14:28
20	Mallinckrodt products to the pharmacies	17:12:25	20	Q. Okay. Are you currently	17:14:30
21	identified on attachment 1 hereto."	17:12:27	21	utilizing IMS data in connection with your	17:14:34
22	And those pharmacies are of	17:12:29	22	suspicious order monitoring system?	17:14:36
23	course the ones listed in the second page of	17:12:31	23	A. No.	17:14:37
24	this document, correct?	17:12:33	24	Q. Okay. Other than for purposes	17:14:38
25	A. Yes.	17:12:33	25	of sending out this letter to make	17:14:39
Page 403			Page 405		
1	Q. Okay. And so you're not	17:12:34	1	distributors aware that chargeback requests	17:14:46
2	necessarily saying here that these pharmacies	17:12:37	2	will not be honored, do you recall ever	17:14:48
3	need to be placed on any kind of do not ship	17:12:40	3	utilizing IMS data in connection with SOM	17:14:51
4	list. You're simply telling these	17:12:43	4	activities?	17:14:55
5	distributors that you're not going to process	17:12:44	5	A. Not that I recall.	17:14:55
6	any chargeback requests related to these	17:12:46	6	Q. You can -- I'd actually ask	17:14:56
7	particular pharmacies, correct?	17:12:49	7	that you keep that document in front of you,	17:15:08
8	MR. O'CONNOR: Object to form.	17:12:50	8	but just probably you can refer to the back	17:15:09
9	THE WITNESS: Yes.	17:12:50	9	because I want to ask you some questions	17:15:11
10	QUESTIONS BY MR. KO:	17:12:51	10	about these pharmacies.	17:15:12
11	Q. Okay. And by the way, going	17:12:51	11	A. All right.	17:15:13
12	back to the first paragraph of this	17:12:53	12	(Mallinckrodt-Harper Exhibit 29	17:15:15
13	correspondence, you indicate to your	17:12:57	13	marked for identification.)	17:15:16
14	customers at the end of the first paragraph	17:13:01	14	QUESTIONS BY MR. KO:	17:15:16
15	that, quote, "As a DEA registrant,	17:13:04	15	Q. So I'm going to hand you a copy	17:15:16
16	Mallinckrodt, LLC, a Covidien company,	17:13:06	16	of what will be marked as Harper Exhibit 29.	17:15:17
17	Mallinckrodt, has developed and maintains a	17:13:10	17	A. Oh, my gosh.	17:15:30
18	comprehensive program that includes review of	17:13:12	18	Q. And for the record, this	17:15:32
19	customer orders, IMS data and chargeback	17:13:14	19	document ends in Bates 32384 and is an e-mail	17:15:35
20	information and, where appropriate,	17:13:17	20	from Wayne Corona at Masters to you, dated	17:15:40
21	subsequent audits of distributors' suspicious	17:13:20	21	October 10 -- 20, 2011.	17:15:46
22	order monitoring programs," end quote.	17:13:22	22	Do you recall this e-mail?	17:15:49
23	Did I read that correctly?	17:13:26	23	A. Yes.	17:15:50
24	A. Yes.	17:13:27	24	Q. Okay. This is Masters'	17:15:51
25	Q. So we discussed the concept of	17:13:27	25	response to the letter that you had sent to	17:15:55

<p style="text-align: right;">Page 406</p> <p>1 them that we just previously discussed that 17:15:59</p> <p>2 reflects Exhibit 28; is that correct? 17:16:03</p> <p>3 A. I don't see -- we had a 17:16:04</p> <p>4 separate letter addressed -- is this in your 17:16:11</p> <p>5 pile? I'm so confused. 17:16:16</p> <p>6 Okay. We had a separate letter 17:16:18</p> <p>7 addressed to Masters. 17:16:23</p> <p>8 Q. Okay. And in that separate 17:16:23</p> <p>9 letter, you were identifying -- I believe 17:16:24</p> <p>10 I've seen that, but in that separate letter 17:16:29</p> <p>11 you identify these same pharmacies; is that 17:16:31</p> <p>12 correct? 17:16:32</p> <p>13 A. Yes. Yes. 17:16:32</p> <p>14 Q. So at some point before this 17:16:34</p> <p>15 e-mail, you had obviously indicated to 17:16:38</p> <p>16 Masters that there were certain pharmacies 17:16:40</p> <p>17 that you weren't going to honor chargebacks 17:16:48</p> <p>18 to, correct? 17:16:52</p> <p>19 A. Yes. 17:16:52</p> <p>20 Q. And I assume that there was a 17:16:52</p> <p>21 separate e-mail sent to Masters, because at 17:16:54</p> <p>22 the time you weren't doing business with 17:16:57</p> <p>23 them? 17:16:59</p> <p>24 A. I believe this is the time we 17:17:00</p> <p>25 notified Masters that we were going to 17:17:04</p>	<p style="text-align: right;">Page 408</p> <p>1 Q. Okay. So is it accurate to say 17:18:09</p> <p>2 that what he's trying to tell you is that for 17:18:12</p> <p>3 each one of these pharmacies that you have 17:18:15</p> <p>4 identified as being problematic, he has 17:18:16</p> <p>5 indicated that Masters has already placed 17:18:21</p> <p>6 them on Masters' termination list; is that 17:18:24</p> <p>7 accurate? 17:18:28</p> <p>8 A. Yes. 17:18:28</p> <p>9 Q. Okay. And for several of these 17:18:29</p> <p>10 pharmacies, Masters had placed these 17:18:32</p> <p>11 pharmacies on the termination list 17:18:36</p> <p>12 approximately one year prior to you notifying 17:18:39</p> <p>13 Masters of these problematic pharmacies; is 17:18:42</p> <p>14 that accurate? 17:18:47</p> <p>15 A. Yes. 17:18:47</p> <p>16 Q. Okay. Now, he goes on to 17:18:48</p> <p>17 say -- and I recall earlier when we discussed 17:18:57</p> <p>18 how you had indicated to Masters that they 17:19:01</p> <p>19 had an inadequate SOM program. 17:19:04</p> <p>20 A. Yes. 17:19:06</p> <p>21 Q. Okay. And he responds, quote, 17:19:07</p> <p>22 "In your last two letters to Masters, you 17:19:11</p> <p>23 have judged our SOMs to be inadequately 17:19:16</p> <p>24 robust, yet somehow we identified these 17:19:18</p> <p>25 accounts well before you, exclamation point." 17:19:20</p>
<p style="text-align: right;">Page 407</p> <p>1 discontinue sales of Mallinckrodt product to 17:17:07</p> <p>2 Masters. 17:17:09</p> <p>3 Q. Okay. 17:17:10</p> <p>4 A. So it would have been a letter. 17:17:10</p> <p>5 But we sent several letters to 17:17:11</p> <p>6 Masters, and so I -- the content of each one 17:17:13</p> <p>7 I can't attest to. 17:17:19</p> <p>8 Q. Sure. Fair enough. 17:17:19</p> <p>9 In any event, Mr. Corona, 17:17:20</p> <p>10 who -- it does appear in the end of this 17:17:24</p> <p>11 e-mail that he is the president of Masters 17:17:27</p> <p>12 Pharmaceutical. 17:17:29</p> <p>13 Do you see that? I've 17:17:29</p> <p>14 highlighted it. 17:17:38</p> <p>15 A. Yes, I do. Yes. Yes. 17:17:38</p> <p>16 Q. So you had sent some 17:17:39</p> <p>17 correspondence to Jennifer Seiple at Masters, 17:17:42</p> <p>18 and you had identified these pharmacies that 17:17:46</p> <p>19 appear in attachment 1, correct? 17:17:49</p> <p>20 A. Yes. 17:17:50</p> <p>21 Q. Okay. And he responds that "As 17:17:51</p> <p>22 you can see, the dates of termination predate 17:18:03</p> <p>23 your notification." 17:18:06</p> <p>24 Do you see that? 17:18:08</p> <p>25 A. I do. 17:18:08</p>	<p style="text-align: right;">Page 409</p> <p>1 Did I read that correctly? 17:19:23</p> <p>2 A. Yes. 17:19:23</p> <p>3 Q. So, again, is it accurate to 17:19:24</p> <p>4 state that Masters had identified one -- at 17:19:27</p> <p>5 least one year prior, in some instances, some 17:19:30</p> <p>6 pharmacies that were deemed to be 17:19:33</p> <p>7 problematic, sufficient to place them on 17:19:34</p> <p>8 their termination list before you were able 17:19:36</p> <p>9 to make that same determination? 17:19:39</p> <p>10 MR. O'CONNOR: Object to form. 17:19:40</p> <p>11 THE WITNESS: Yes. 17:19:41</p> <p>12 QUESTIONS BY MR. KO: 17:19:41</p> <p>13 Q. Okay. And earlier we had -- 17:19:42</p> <p>14 you had testified that one of the reasons why 17:19:46</p> <p>15 you had audited Masters was to review their 17:19:48</p> <p>16 SOM program, correct? 17:19:51</p> <p>17 A. Yes. 17:19:52</p> <p>18 Q. Okay. And yet through your 17:19:53</p> <p>19 review, you were unable to determine which 17:19:55</p> <p>20 pharmacies they placed on their termination 17:20:00</p> <p>21 list, correct? 17:20:02</p> <p>22 A. Correct. 17:20:03</p> <p>23 Q. Okay. Isn't that reflective of 17:20:04</p> <p>24 an inadequate audit on the part of 17:20:10</p> <p>25 Mallinckrodt? 17:20:12</p>

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1 MR. O'CONNOR: Object to form. 17:20:12

2 THE WITNESS: No. 17:20:13

3 QUESTIONS BY MR. KO: 17:20:13

4 Q. Okay. Do you feel that had you 17:20:14

5 asked Masters the simple question of which 17:20:16

6 pharmacies they had placed on their do not 17:20:21

7 ship list, you would have also understood 17:20:23

8 that these pharmacies were problematic? 17:20:26

9 A. I do not know. 17:20:31

10 Q. Okay. Do you agree with me 17:20:32

11 that had you asked that question in your 17:20:34

12 audit, you would have learned that these 17:20:36

13 pharmacies were problematic? 17:20:38

14 A. If they would have provided 17:20:40

15 this listing, yes. 17:20:42

16 Q. Okay. Regardless of whether or 17:20:43

17 not they provided the listing -- 17:20:45

18 A. Uh-huh. 17:20:47

19 Q. -- the purpose of your audit in 17:20:47

20 late 2010 was to understand Masters' SOM 17:20:50

21 program, was it not? 17:20:56

22 A. Yes. 17:20:57

23 Q. And you were doing an 17:20:57

24 independent review? 17:20:58

25 A. Yes, a Mallinckrodt review of 17:21:01

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1 their program, yes. 17:21:02

2 Q. Right. 17:21:03

3 And in connection with that 17:21:04

4 review, did you ever ask them whether or not 17:21:05

5 they had placed certain pharmacies on their 17:21:08

6 do not ship list? 17:21:11

7 A. I don't -- I don't know. I 17:21:11

8 don't recall. 17:21:14

9 Q. Okay. Had you asked that 17:21:14

10 question, you would have certainly learned 17:21:15

11 this information, correct? 17:21:18

12 MR. O'CONNOR: Object to form. 17:21:18

13 THE WITNESS: Perhaps. 17:21:19

14 QUESTIONS BY MR. KO: 17:21:20

15 Q. Okay. Sitting here today, is 17:21:20

16 it reflective of an adequate audit if you 17:21:28

17 didn't ask Masters whether or not they had 17:21:31

18 any pharmacies on their termination list? 17:21:34

19 MR. O'CONNOR: Object to form. 17:21:37

20 THE WITNESS: No. 17:21:37

21 QUESTIONS BY MR. KO: 17:21:38

22 Q. So to be clear, not asking them 17:21:41

23 whether or not they had pharmacies on their 17:21:45

24 termination list is indicative of an 17:21:47

25 inadequate audit, correct? 17:21:51

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1 MR. O'CONNOR: Object to form. 17:21:52

2 THE WITNESS: I'm sorry, there 17:21:53

3 were double negatives. Will you 17:21:55

4 please restate? I'm sorry. 17:21:57

5 QUESTIONS BY MR. KO: 17:21:58

6 Q. Sorry, I have a bad habit of 17:21:58

7 that. 17:22:02

8 So not asking Masters whether 17:22:03

9 or not they had pharmacies on their 17:22:04

10 termination list is indicative of an 17:22:05

11 inadequate audit, correct? 17:22:09

12 MR. O'CONNOR: Object to form. 17:22:10

13 THE WITNESS: I do not agree. 17:22:11

14 QUESTIONS BY MR. KO: 17:22:12

15 Q. You do not agree. 17:22:12

16 Had you simply asked Masters 17:22:13

17 whether or not certain pharmacies appeared on 17:22:19

18 their do not ship list, you would have 17:22:21

19 learned that certain pharmacies did in fact 17:22:23

20 appear on that list, correct? 17:22:25

21 MR. O'CONNOR: Objection. 17:22:27

22 Asked and answered. 17:22:28

23 THE WITNESS: I don't know if 17:22:28

24 they would have given us this list. 17:22:30

25

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1 QUESTIONS BY MR. KO: 17:22:33

2 Q. Okay. But you don't recall 17:22:34

3 ever asking that question? 17:22:35

4 A. I do not. 17:22:36

5 Q. Okay. Certainly if you had 17:22:37

6 asked that question, you would have been able 17:22:39

7 to determine whether or not certain 17:22:41

8 pharmacies appeared on their do not ship 17:22:43

9 list, correct? 17:22:45

10 MR. O'CONNOR: Objection. 17:22:45

11 Asked and answered. 17:22:46

12 THE WITNESS: So, sir, I'll 17:22:46

13 answer again. This whole Masters' 17:22:47

14 event became quite adversarial. And I 17:22:51

15 don't mean to be irreverent, because 17:22:55

16 I'm under testimony, but this Wayne 17:22:57

17 Corona, I expected to find a dead 17:22:58

18 chicken on my porch. 17:23:00

19 He called me, he hounded me, he 17:23:02

20 was angry, angry about our decision, 17:23:04

21 and so he was defending, I'm going to 17:23:06

22 say, to Mallinckrodt Masters' SOM 17:23:10

23 program with these series of 17:23:14

24 communications. 17:23:15

25

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1 QUESTIONS BY MR. KO: 17:23:15

2 Q. Okay. Is it fair to say that 17:23:16

3 Masters identified problematic pharmacies 17:23:17

4 before you had identified them in your 17:23:24

5 October 17, 2011 correspondence to them? 17:23:27

6 A. Yes. 17:23:30

7 MR. O'CONNOR: Object to form. 17:23:30

8 THE WITNESS: According to this 17:23:31

9 e-mail, yes. 17:23:32

10 QUESTIONS BY MR. KO: 17:23:33

11 Q. Okay. Do you -- had you had 17:23:33

12 the information -- let's take Gulf Coast, for 17:23:39

13 example. 17:23:42

14 Do you see that -- by the way, 17:23:42

15 do you recall Gulf Coast medical pharmacy? 17:23:46

16 A. The names all run together. I 17:23:48

17 do not. I'm sorry. 17:23:51

18 Q. They were -- I believe that 17:23:51

19 they were the subject of a DEA indictment, 17:23:53

20 and they were a particularly problematic 17:23:55

21 customer. 17:23:58

22 But regardless, in -- as of 17:23:59

23 October 28, 2010, Masters had placed Gulf 17:24:03

24 Coast on their termination list, correct? 17:24:07

25 MR. O'CONNOR: Object to form. 17:24:09

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1 THE WITNESS: Yes. 17:24:10

2 QUESTIONS BY MR. KO: 17:24:14

3 Q. And sitting here today, would 17:24:14

4 you agree with me that if you had shipped 17:24:17

5 pills to distributors that sold eventually to 17:24:20

6 Gulf Coast after October 20, 2010, that would 17:24:25

7 have been a problem, correct? 17:24:31

8 MR. O'CONNOR: Object to form. 17:24:32

9 THE WITNESS: Not a problem we 17:24:33

10 were aware of. 17:24:37

11 QUESTIONS BY MR. KO: 17:24:37

12 Q. Certainly I understand that you 17:24:39

13 may not have been aware of it, but is it -- 17:24:41

14 is it reflective of an effective SOM program 17:24:46

15 if you ship orders to a pharmacy that you 17:24:50

16 know appear on your customer's termination 17:24:53

17 list? 17:24:56

18 MR. O'CONNOR: Object to form. 17:24:56

19 THE WITNESS: If we know a 17:24:57

20 customer -- if we know a pharmacy 17:24:58

21 appears on our customer's termination 17:25:01

22 list, we also discontinue honoring of 17:25:03

23 chargebacks to that pharmacy. 17:25:07

24 QUESTIONS BY MR. KO: 17:25:07

25 Q. Okay. So that's helpful. 17:25:08

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1 So -- I thank you for that clarification. 17:25:10

2 So to be clear, if you obtain 17:25:11

3 knowledge from a customer that they have 17:25:13

4 placed a particularly pharmacy -- particular 17:25:16

5 pharmacy on their do not ship list, you also 17:25:18

6 would no longer honor chargeback requests 17:25:22

7 from that particular distributor as it 17:25:26

8 relates to pills shipped to that pharmacy, 17:25:29

9 correct? 17:25:31

10 A. Correct. 17:25:32

11 Q. And it would have also been 17:25:33

12 problematic to do so, right, because that 17:25:36

13 particular pharmacy for a variety of reasons 17:25:38

14 would have certain red flags, correct? 17:25:43

15 MR. O'CONNOR: Object to form. 17:25:45

16 THE Witness: Yes. 17:25:45

17 QUESTIONS BY MR. KO: 17:25:47

18 Q. And potentially that pharmacy 17:25:48

19 would be engaged in diversion of prescription 17:25:49

20 opioids, correct? 17:25:52

21 MR. O'CONNOR: Object to form. 17:25:53

22 THE WITNESS: Potentially. 17:25:53

23 QUESTIONS BY MR. KO: 17:25:54

24 Q. Okay. And so for each one of 17:25:55

25 these pharmacies that are listed here that 17:25:58

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1 predate your correspondence on October 17th, 17:26:02

2 you would agree with me that had you known 17:26:11

3 from Masters that they were placed on their 17:26:13

4 termination list, you would have also agreed 17:26:18

5 that these pharmacies were problematic? 17:26:20

6 MR. O'CONNOR: Object to form. 17:26:22

7 THE WITNESS: Yes. 17:26:23

8 QUESTIONS BY MR. KO: 17:26:23

9 Q. Okay. And shipping orders -- 17:26:24

10 and I understand you don't believe you knew 17:26:27

11 at the time, but shipping orders to these 17:26:30

12 pharmacies after they were placed on a 17:26:33

13 termination list would not be indicative of 17:26:36

14 an effective SOM program, correct? 17:26:38

15 MR. O'CONNOR: Object to form. 17:26:40

16 THE WITNESS: Correct. 17:26:40

17 (Mallinckrodt-Harper Exhibit 30 17:27:03

18 marked for identification.) 17:27:03

19 QUESTIONS BY MR. KO: 17:27:03

20 Q. Okay. I'm going to hand you a 17:27:04

21 copy of what's being marked as Harper 17:27:04

22 Exhibit 30. 17:27:07

23 And for the record, this is a 17:27:10

24 demonstrative based on chargeback information 17:27:12

25 produced to us. And to be clear, it's not 17:27:15

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1	any copy provided by your counsel or by 17:27:19	1	that Masters put Brooks Pharmacy on their do 17:29:20
2	Mallinckrodt but something that we have 17:27:24	2	not ship list as of October 4, 2010, correct? 17:29:25
3	prepared. 17:27:25	3	MR. O'CONNOR: Object to form. 17:29:27
4	So Brooks Pharmacy was a 17:27:44	4	MS. FIX MEYER: Object to form. 17:29:28
5	pharmacy that appeared on your letter to all 17:27:47	5	THE WITNESS: If they would 17:29:29
6	distributors, correct? 17:27:50	6	have given it to us. We had some 17:29:30
7	A. Yes. 17:27:51	7	customers that declined to provide 17:29:31
8	Q. Including to Masters, correct? 17:27:51	8	that information, unfortunately. 17:29:32
9	A. Yes. 17:27:53	9	QUESTIONS BY MR. KO: 17:29:35
10	Q. And Masters had indicated to 17:27:53	10	Q. Now -- but we had spoken about 17:29:35
11	you that they had already placed Brooks on 17:27:58	11	an audit before, but you performed an on-site 17:29:36
12	their termination list as of October 4, 2010, 17:27:59	12	audit of Masters, correct? 17:29:41
13	correct? 17:28:02	13	A. Yes. 17:29:42
14	A. Yes. 17:28:02	14	Q. And that on-site audit was all 17:29:42
15	Q. Okay. Based on this chart, it 17:28:03	15	day, I believe? 17:29:44
16	appears that several hundred thousand pills 17:28:09	16	A. Yes. 17:29:44
17	nevertheless shipped to Brooks Pharmacy from 17:28:11	17	Q. Okay. And again, sitting here 17:29:46
18	the period between October 4, 2010, and 17:28:13	18	today, do you believe that shipments made to 17:29:52
19	October 17, 2011, based on chargeback data 17:28:16	19	a -- an end user after one of your customers 17:29:53
20	that has been provided to us. 17:28:20	20	puts them on the termination list is 17:30:00
21	Do you see that? 17:28:21	21	indicative of an effective suspicious order 17:30:02
22	A. So, yes, but may I ask what the 17:28:22	22	monitoring program? 17:30:04
23	unit of measure is here, please? 17:28:26	23	MR. O'CONNOR: Object to form. 17:30:05
24	Q. Those are total pills. 17:28:28	24	MS. FIX MEYER: Object to 17:30:06
25	A. Dosage units. 17:28:30	25	foundation. 17:30:07
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1	Q. Dosage units. 17:28:31	1	THE WITNESS: If we are aware 17:30:07
2	A. All right. All right. Thank 17:28:32	2	of it? 17:30:08
3	you. 17:28:32	3	QUESTIONS BY MR. KO: 17:30:09
4	Q. So hundreds of thousands of 17:28:32	4	Q. Yes. 17:30:09
5	dosage units/pills are delivered to Brooks 17:28:35	5	A. So, yes, but not if we're not 17:30:10
6	Pharmacy through Cardinal between October 4, 17:28:39	6	aware of it. 17:30:12
7	2010, and October 17, 2011, correct? 17:28:42	7	Q. Okay. But you had the ability, 17:30:13
8	MR. O'CONNOR: Object to form. 17:28:45	8	and as reflected by this chargeback data that 17:30:15
9	MS. FIX MEYER: Object to form. 17:28:46	9	you had acquired, you had the ability to 17:30:19
10	THE WITNESS: The graph 17:28:47	10	understand where your -- the details of where 17:30:22
11	indicates that Cardinal sold this 17:28:49	11	your pills were going after you shipped them 17:30:24
12	product to that downstream customer. 17:28:52	12	to the distributor, correct? 17:30:26
13	MS. FIX MEYER: Object to the 17:28:55	13	MR. O'CONNOR: Object to form. 17:30:27
14	form. Foundation. 17:28:57	14	THE WITNESS: Yes. 17:30:29
15	QUESTIONS BY MR. KO: 17:28:58	15	QUESTIONS BY MR. KO: 17:30:29
16	Q. You can answer the question. 17:28:59	16	Q. Okay. And by the way, as we 17:30:29
17	She's just lodging her objection for the 17:29:00	17	discussed before, you did an audit of 17:30:35
18	record. 17:29:02	18	Cardinal's SOM program as well, correct? 17:30:38
19	A. Okay. So if I'm to believe the 17:29:02	19	A. Yes. 17:30:40
20	graph is gospel, yes. It appears that 17:29:04	20	Q. And so would you agree that 17:30:40
21	Cardinal told that number of dosage units to 17:29:06	21	Cardinal could have asked the same question 17:30:41
22	Brooks Pharmacy. 17:29:10	22	as well? 17:30:43
23	Q. And again, had you asked 17:29:10	23	MR. O'CONNOR: Object to form. 17:30:44
24	Masters which pharmacies appeared on their 17:29:11	24	MS. FIX MEYER: Objection to 17:30:44
25	termination list, you would have understood 17:29:19	25	foundation. Object to form. 17:30:45

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1	THE WITNESS: I don't know the	17:30:46	1 And it appears that based on
2	specifics of Cardinal's interaction	17:30:47	2 the chargeback data that you had access to,
3	with the pharmacies or with their	17:30:49	3 Mallinckrodt had shipped to distributors that
4	customers, so I don't know that -- I	17:30:51	4 shipped to Island Drug in the June 3, 2010,
5	cannot answer.	17:30:52	5 through October 17, 2011 time period,
6	QUESTIONS BY MR. KO:	17:30:53	6 correct?
7	Q. Sure. Fair enough.	17:30:53	7 A. Yes.
8	Regardless, is it accurate to	17:30:54	8 Q. Okay. And similar to Brooks
9	state, assuming that these numbers are true,	17:30:59	9 Pharmacy, would you agree with me that
10	that Mallinckrodt shipped hundreds of	17:31:00	10 shipping drugs to customers who shipped to
11	thousands of pills to customers, including	17:31:05	11 Island Drug after they appeared on a
12	Cardinal, that eventually shipped to Brooks	17:31:10	12 termination list would be indicative of an
13	Pharmacy after they were placed on the	17:31:13	13 inadequate SOM program?
14	termination list by Masters?	17:31:16	14 MR. O'CONNOR: Object to form.
15	MR. O'CONNOR: Object to form.	17:31:18	15 THE WITNESS: No.
16	MS. FIX MEYER: Object to form.	17:31:19	16 QUESTIONS BY MR. KO:
17	Object to foundation.	17:31:22	17 Q. You would not.
18	THE WITNESS: Yes.	17:31:23	18 A. I would not.
19	QUESTIONS BY MR. KO:	17:31:23	19 Q. Okay. You had -- as we
20	Q. Okay. Set that aside.	17:31:24	20 discussed before, you had access to this
21	(Mallinckrodt-Harper Exhibit 31	17:31:48	21 chargeback data, correct?
22	marked for identification.)	17:31:49	22 A. Yes.
23	QUESTIONS BY MR. KO:	17:31:49	23 Q. Okay. And you also performed
24	Q. I'm going to hand you just	17:31:50	24 an on-site audit of Masters, correct?
25	another quick copy of some data we were able	17:31:52	25 A. Yes.
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1	to pull from the chargeback information	17:31:54	1 Q. And so assuming you had asked
2	produced by your counsel, and that is -- I'm	17:31:55	2 them the question of whether or not Masters
3	sorry. I'm handing you a copy of what will	17:32:00	3 had placed Island Drug on their do not ship
4	be marked as Harper Exhibit 31.	17:32:02	4 list, would you agree with me that it would
5	MR. O'CONNOR: So, again,	17:32:04	5 be indicative of an inadequate SOM program if
6	Counsel, this is a document you	17:32:06	6 you continued to ship drugs to customers who
7	created?	17:32:07	7 shipped to Island Drug?
8	MR. KO: This is a	17:32:07	8 MR. O'CONNOR: Object to form.
9	demonstrative exhibit created by us,	17:32:08	9 THE WITNESS: So the premise is
10	correct, based on the Excel files	17:32:10	10 that we would have asked Masters for
11	produced to us.	17:32:13	11 their do not ship list, and there's no
12	THE WITNESS: Yes, I know. I'm	17:32:13	12 assurance whether they would or would
13	just verifying it against that list,	17:32:13	13 not have provided it. But if we would
14	yes. Okay.	17:32:16	14 have known which customers Masters had
15	QUESTIONS BY MR. KO:	17:32:18	15 terminated, we would have put them on
16	Q. So here, I'll -- this is	17:32:18	16 our chargeback restriction list.
17	similar to Exhibit 30. This is a chart that	17:32:19	17 QUESTIONS BY MR. KO:
18	shows pills that were shipped to Island Drug	17:32:23	18 Q. And you would have also -- you
19	by your customers from the January 2010 to	17:32:28	19 would have also determined that you should
20	September 2011 time period.	17:32:33	20 stop shipping orders to customers that sell
21	And in particular, there is	17:32:35	21 to that particular pharmacy as well, correct?
22	again -- on the left-hand side the numbers	17:32:44	22 MR. O'CONNOR: Object to form.
23	are reflective of dosage units --	17:32:45	23 THE WITNESS: Stop -- there's a
24	A. Thank you.	17:32:47	24 distinction there. Stop -- stop the
25	Q. -- slash pills.	17:32:47	25 payment of chargebacks. We cannot

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1	totally stop the shipment of	17:34:48	1	the time of their suspension.	17:47:06
2	Mallinckrodt product to a pharmacy.	17:34:49	2	QUESTIONS BY MR. KO:	17:47:07
3	QUESTIONS BY MR. KO:	17:34:51	3	Q. All right. And you weren't	17:47:07
4	Q. Okay. You would recommend	17:34:51	4	aware of the total amount of oxy 15 and	17:47:09
5	to -- one of the reasons why you would not	17:34:57	5	oxy 30 pills they sent to end users,	17:47:11
6	honor the chargeback request is to notify the	17:34:58	6	including pain clinics and pharmacies,	17:47:17
7	distributor that you would not be paying them	17:35:01	7	correct?	17:47:20
8	the difference between the amount that they	17:35:03	8	A. So I realize I'm under oath,	17:47:20
9	agreed upon with you and the subsequent price	17:35:07	9	and I saw that data that I -- you said I	17:47:23
10	that they're receiving for the drug in the	17:35:10	10	extracted, and I don't know the timing of	17:47:25
11	downstream transaction, correct?	17:35:12	11	that in correlation to when their license was	17:47:27
12	A. Yes.	17:35:13	12	suspend, if it was before or after.	17:47:30
13	Q. Okay. So it would -- in other	17:35:13	13	Q. And I'll represent to you it	17:47:31
14	words, it would alert the distributor -- it	17:35:14	14	was before their license was suspended.	17:47:32
15	would alert the distributor to the	17:35:23	15	And I am just simply asking --	17:47:34
16	possibility that that particular pharmacy was	17:35:25	16	A. Okay.	17:47:36
17	problematic, correct?	17:35:26	17	Q. -- whether or not at any point	17:47:36
18	MR. O'CONNOR: Object to form.	17:35:27	18	in time you became aware of how many orders	17:47:38
19	THE WITNESS: Yes.	17:35:27	19	of oxy 15 or oxy 30s they had sent to pain	17:47:41
20	MR. KO: Okay. You can set	17:35:29	20	clinics, pharmacies or medical doctors.	17:47:45
21	this aside.	17:35:36	21	A. In Florida?	17:47:47
22	Why don't we take a quick break	17:35:41	22	Q. At any time.	17:47:50
23	and...	17:35:43	23	A. Anywhere?	17:47:50
24	VIDEOGRAPHER: We are going off	17:35:45	24	Q. Anywhere.	17:47:51
25	the record at 5:35 p.m.	17:35:46	25	A. Clearly, I must have because --	17:47:52
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1	(Off the record at 5:35 p.m.)	17:35:48	1	but -- was that chargeback report unique to	17:47:55
2	VIDEOGRAPHER: We are back on	17:46:10	2	Florida?	17:47:58
3	the record at 5:46 p.m.	17:46:12	3	I'm sorry.	17:48:00
4	QUESTIONS BY MR. KO:	17:46:14	4	Q. No, that's okay.	17:48:00
5	Q. Okay. Thank you again,	17:46:14	5	A. I'm so sorry. I'm getting	17:48:01
6	Ms. Harper. As the court reporter indicated,	17:46:17	6	mixed up here.	17:48:03
7	we have about approximately 25 minutes, and I	17:46:18	7	Q. No, it's okay.	17:48:03
8	appreciate your patience thus far today.	17:46:20	8	Sitting here today, would you	17:48:05
9	Going back to our discussion	17:46:22	9	agree with me that it would be suspicious for	17:48:20
10	about Harvard, putting aside the details of	17:46:26	10	Harvard Drug to sell oxy 15s and oxy 30s to	17:48:21
11	how that chart was created or the information	17:46:32	11	pain clinics, pharmacies and medical doctors	17:48:25
12	that you had requested through chargeback	17:46:37	12	through a veterinary supply company?	17:48:28
13	reports, sitting here today, you weren't	17:46:39	13	MR. O'CONNOR: Object to form.	17:48:32
14	aware that Harvard Drug had sent, on 12,486	17:46:43	14	THE WITNESS: I don't know	17:48:33
15	occasions, oxy 15 and 30 to pain clinics,	17:46:49	15	their corporate structure, so that	17:48:34
16	pharmacies and medical doctors; is that	17:46:53	16	would have been something, if it had	17:48:36
17	accurate?	17:46:55	17	come to our attention, we would have	17:48:38
18	MR. O'CONNOR: Object to form.	17:46:55	18	asked Harvard more questions about	17:48:41
19	THE WITNESS: I'm not aware or	17:46:55	19	their -- their business model.	17:48:43
20	I wasn't aware? I'm sorry.	17:46:58	20	QUESTIONS BY MR. KO:	17:48:44
21	QUESTIONS BY MR. KO:	17:47:00	21	Q. Sure.	17:48:44
22	Q. Let's take you weren't aware at	17:47:00	22	As a general matter, do you	17:48:45
23	the time.	17:47:03	23	recall any instances in which you sold	17:48:46
24	MR. O'CONNOR: Same objection.	17:47:03	24	prescription opioids to vet companies?	17:48:48
25	THE WITNESS: I wasn't aware at	17:47:04	25	MR. O'CONNOR: Object to form.	17:48:51

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1	THE WITNESS: There may have 17:48:51	1	Q. Sorry, a DPM? 17:50:47
2	been one. 17:48:55	2	A. Yes. 17:50:47
3	QUESTIONS BY MR. KO: 17:48:55	3	Q. Do I understand correctly? 17:50:50
4	Q. Okay. And what -- which 17:48:55	4	A. Yes. 17:50:50
5	instance was that, and when did that occur? 17:48:57	5	Q. And what does DPM stand for? 17:50:51
6	A. It was -- I don't know the 17:48:59	6	A. Diversion program manager. 17:50:53
7	date. I remember a customer -- no, strike 17:49:01	7	Q. Okay. And he had spent some 17:50:53
8	that, please. 17:49:06	8	amount of years at the DEA as a DPM, correct? 17:50:55
9	I'm not aware of any sales to 17:49:06	9	And I believe in Atlanta? 17:50:56
10	veterinary companies. 17:49:09	10	A. He was in Atlanta when he 17:50:57
11	Q. Are you aware of any legitimate 17:49:10	11	retired. Prior to that, he was our group 17:51:01
12	medical reason for Mallinckrodt to ship pills 17:49:13	12	supervisor in St. Louis, so I don't know the 17:51:03
13	to veterinary clinics? And by "pills" I mean 17:49:19	13	date of his promotion. 17:51:06
14	particularly prescription opioids. 17:49:25	14	Q. Okay. So before -- are you 17:51:07
15	MR. O'CONNOR: Object to form. 17:49:26	15	saying before he went to DEA, he was an 17:51:08
16	THE WITNESS: So through some 17:49:27	16	employee of Mallinckrodt? 17:51:12
17	event, I don't remember why, we 17:49:31	17	A. No, I'm sorry. I beg your 17:51:13
18	checked with a couple vets, and indeed 17:49:33	18	pardon. 17:51:15
19	there are times when doctors prescribe 17:49:36	19	For St. Louis DEA he was 17:51:16
20	opioids for pain in animals. 17:49:38	20	diversion group supervisor, and then he was 17:51:18
21	QUESTIONS BY MR. KO: 17:49:41	21	promoted to diversion program manager and 17:51:20
22	Q. Would you agree with me that 17:49:42	22	went to Atlanta, but I'm not certain of 17:51:23
23	that would be a rare occurrence? 17:49:42	23	the -- the timing of his move to Atlanta. 17:51:25
24	MR. O'CONNOR: Object to form. 17:49:44	24	Q. I see. 17:51:28
25	THE WITNESS: I don't know the 17:49:45	25	So this is in connection 17:51:30
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1	frequency. 17:49:45	1	with -- this is when he was at DEA, correct? 17:51:31
2	(Mallinckrodt-Harper Exhibit 32 17:49:57	2	A. Yes, sir. 17:51:33
3	marked for identification.) 17:49:46	3	Q. Okay. And at some point in the 17:51:34
4	QUESTIONS BY MR. KO: 17:49:46	4	2010 time period, Mallinckrodt retained 17:51:36
5	Q. Okay. I'm going to hand you a 17:49:46	5	Mr. Davis, correct? 17:51:39
6	copy of what's going to be marked as 17:49:52	6	A. Yes. 17:51:40
7	Exhibit 32. 17:49:56	7	Q. And they retained him 17:51:41
8	And for the record, this is -- 17:49:59	8	specifically to examine the then existing 17:51:43
9	ends in Bates 269399. 17:50:02	9	suspicious order monitoring program? 17:51:47
10	Ms. Harper, do you recognize 17:50:17	10	A. Yes. 17:51:47
11	this memo from Howard Davis to you dated 17:50:18	11	Q. Okay. And so I know he was 17:51:48
12	November 2, 2010? 17:50:24	12	retained for a brief period of time, but do 17:51:53
13	A. I do. 17:50:24	13	you recall how long his engagement lasted? 17:51:58
14	Q. Okay. And Howard Davis, as we 17:50:27	14	A. A couple of months, at most. 17:52:02
15	had discussed before, was a consultant you 17:50:29	15	Q. Okay. Now, this memo, is it 17:52:07
16	had retained in connection with your SOM 17:50:31	16	accurate to describe it is his overview of 17:52:08
17	program; is that correct? 17:50:35	17	the suspicious order monitoring program based 17:52:17
18	A. Yes. 17:50:36	18	on his review? Is that fair to say? 17:52:19
19	Q. Okay. And Howard Davis was 17:50:37	19	A. Yes, he was reviewing one 17:52:22
20	ex-DEA? 17:50:40	20	particular procedure. 17:52:24
21	A. Yes. 17:50:41	21	Q. Okay. 17:52:25
22	Q. And I believe he was, in 17:50:41	22	A. Yes. 17:52:25
23	particular, a DRM. 17:50:43	23	Q. And the procedure is consistent 17:52:25
24	Do I understand -- 17:50:45	24	with the formal documents we were referring 17:52:28
25	A. DPM. 17:50:46	25	to earlier that you were in charge of 17:52:29

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1	drafting that outlined the policies and 17:52:32	1	which he says, quote, "Federal Register 17:54:56
2	procedures Mallinckrodt would follow to 17:52:37	2	Notices published as early as 2007, 72 17:54:59
3	identify potentially suspicious orders, 17:52:38	3	Federal Register 36487, state specifically 17:55:02
4	correct? 17:52:40	4	that using formulas that rely on percentages 17:55:05
5	MR. O'CONNOR: Object to form. 17:52:40	5	or averages over time has been determined, by 17:55:07
6	THE WITNESS: Yes. 17:52:41	6	the DEA, to be insufficient." 17:55:10
7	QUESTIONS BY MR. KO: 17:52:41	7	Did I read that correctly? 17:55:12
8	Q. Okay. And in his review of 17:52:41	8	A. Yes. 17:55:14
9	this particular draft of the suspicious order 17:52:45	9	Q. Okay. And the Federal Register 17:55:18
10	monitoring program -- actually, let's take a 17:52:50	10	that he's referring to that's been published 17:55:21
11	step back. 17:52:57	11	as early as 2007, I believe that's also 17:55:24
12	During the time that you were 17:52:57	12	reference to the Southwood notice; is that 17:55:26
13	drafting and revising these policies, you had 17:53:01	13	correct? 17:55:27
14	previously testified that you were still 17:53:04	14	A. I don't know for certain, but 17:55:27
15	utilizing a suspicious order monitoring 17:53:08	15	if -- 17:55:29
16	program, correct? 17:53:10	16	Q. Okay. 17:55:30
17	A. Yes. 17:53:11	17	A. Yes, if you say so, yes. 17:55:31
18	Q. And with the suspicious order 17:53:12	18	Q. Setting aside which particular 17:55:32
19	monitoring program being utilized during a 17:53:16	19	Federal Register that refers to, he reports 17:55:35
20	particular time period between 2008 and 2012, 17:53:19	20	to you as of November 2, 2010, that it is in 17:55:37
21	would it be reflective of a draft policy that 17:53:23	21	fact his belief that a suspicious order 17:55:42
22	you are writing or would it be reflective of 17:53:27	22	monitoring program that uses formulas to rely 17:55:48
23	some other policy? 17:53:32	23	on percentages or averages over time would be 17:55:49
24	MR. O'CONNOR: Object to form. 17:53:34	24	insufficient, correct? 17:55:52
25	THE WITNESS: We have a 17:53:34	25	MR. O'CONNOR: Object to form. 17:55:53
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1	document management system, and 17:53:37	1	THE WITNESS: Those are the 17:55:54
2	then -- so after all the approvals, 17:53:43	2	statements he made, yes. 17:55:55
3	it's housed there and it's considered 17:53:45	3	QUESTIONS BY MR. KO: 17:56:15
4	a formal policy. However, DEA 17:53:47	4	Q. Okay. He goes on to state that 17:56:15
5	compliance did not use that system. 17:53:50	5	"an order must not be processed and filled if 17:56:17
6	So indeed this controlled 17:53:52	6	it is either suspicious or excessive." 17:56:21
7	substance compliance 3.0 was in draft 17:53:55	7	Do you see that? 17:56:22
8	form for a while, and I do not know if 17:53:57	8	A. Yes. 17:56:23
9	it was finalized, but we were 17:54:00	9	Q. "The existing SOP excels to 17:56:23
10	operating by it. 17:54:02	10	meet this requirement through a specific 17:56:25
11	QUESTIONS BY MR. KO: 17:54:02	11	evaluation process; however, the numeric 17:56:28
12	Q. Right. Okay. And that's 17:54:03	12	formula is problematic. For example, should 17:56:32
13	helpful. 17:54:05	13	an occasion arise where an order is three 17:56:32
14	So as you prepared drafts, 17:54:05	14	times over the historical average for that 17:56:35
15	whatever operative draft that you were 17:54:07	15	customer in item, or in a situation where the 17:56:36
16	working on at the time was also the policy 17:54:10	16	order meets but does not exceed the 17:56:38
17	that you would follow with respect to 17:54:15	17	criteria, it would theoretically be filled 17:56:42
18	Mallinckrodt's suspicious order monitoring 17:54:16	18	through normal processing without further 17:56:44
19	obligations, correct? 17:54:18	19	question. In doing so, in certain cases and 17:56:46
20	A. Correct. 17:54:19	20	as noted in recent immediate suspensions of 17:56:50
21	Q. Okay. Now, he -- Mr. Davis 17:54:20	21	other large-scale DEA registrants, which are 17:56:53
22	reports to you, as we had discussed before, 17:54:33	22	all a matter of public record, Mallinckrodt 17:56:56
23	his evaluation of Mallinckrodt's suspicious 17:54:39	23	would be unnecessarily exposing itself to 17:56:58
24	order monitoring program at the time. And in 17:54:44	24	potential liability." 17:57:00
25	particular, I want to focus on the portion in 17:54:45	25	Did I read that correctly? 17:57:02

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1	A. Yes. 17:57:02	1	QUESTIONS BY MR. KO: 17:58:58
2	Q. Okay. And the [REDACTED] criteria that 17:57:03	2	Q. I'm just simply asking whether 17:58:59
3	he's referring to here is the [REDACTED] metric that 17:57:05	3	or not you determined that there were 17:59:00
4	we had discussed before, correct? 17:57:09	4	instances, prior to 2000 -- November 2, 2010, 17:59:01
5	A. Yes. 17:57:10	5	in which you discovered that you were 17:59:07
6	Q. Okay. And is it accurate to 17:57:11	6	shipping suspicious orders based on a 17:59:09
7	say that as of November 2, 2010, he is 17:57:14	7	peculiar order algorithm that was in place at 17:59:14
8	expressing the view that reliance on a 17:57:17	8	that time. 17:59:17
9	numeric formula such as a [REDACTED] criteria could 17:57:20	9	MR. O'CONNOR: Same objection. 17:59:18
10	potentially expose Mallinckrodt to a 17:57:24	10	THE WITNESS: The algorithm 17:59:18
11	liability? Correct? 17:57:27	11	points to orders that need to be 17:59:20
12	A. Yes. 17:57:27	12	investigated further and does not 17:59:23
13	Q. And in fact, in an example we 17:57:28	13	necessarily conclude in and of itself 17:59:26
14	went over -- or an e-mail we went over 17:57:29	14	that the order is suspicious. 17:59:28
15	earlier today, we discussed the fact that 17:57:31	15	QUESTIONS BY MR. KO: 17:59:30
16	Mallinckrodt's [REDACTED] or [REDACTED] formula with respect 17:57:36	16	Q. Right. 17:59:31
17	to Harvard or Sunrise did not necessarily 17:57:40	17	And I -- I see where the 17:59:31
18	trigger a suspicious order, correct? 17:57:44	18	confusion is, because I'm putting a label on 17:59:32
19	Because those orders did not -- 17:57:48	19	a particular order, so let me try it this 17:59:34
20	were not triggered as a result of the 17:57:50	20	way. 17:59:36
21	peculiar order system in place, correct? 17:57:53	21	A. All right. 17:59:36
22	MR. O'CONNOR: Object to form. 17:57:54	22	Q. In the e-mail that you had 17:59:37
23	THE WITNESS: Correct. 17:57:54	23	drafted to Eileen Spaulding that we went over 17:59:42
24	QUESTIONS BY MR. KO: 17:57:55	24	earlier today in which you said that no 17:59:45
25	Q. Okay. And so it's safe to say 17:57:55	25	orders -- no peculiar orders had risen to the 17:59:50
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1	that prior to the date of this memorandum 17:57:59	1	level of suspicious, you also -- do you 17:59:53
2	there were, in fact, instances in which you 17:58:03	2	recall also referencing Harvard and Sunrise? 17:59:56
3	later discovered that you may have been 17:58:05	3	MR. O'CONNOR: Object to form. 17:59:58
4	shipping certain suspicious orders to 17:58:09	4	THE WITNESS: Yes. Yes. 17:59:59
5	distributors because you were utilizing this 17:58:12	5	QUESTIONS BY MR. KO: 17:59:59
6	peculiar order algorithm? 17:58:16	6	Q. And you specifically reference 18:00:00
7	MR. O'CONNOR: Object to form. 17:58:18	7	Harvard and Sunrise because you are saying 18:00:02
8	THE WITNESS: Can you restate 17:58:18	8	that those were instances in which the 18:00:05
9	that question, please? 17:58:24	9	peculiar order algorithm did not flag orders 18:00:09
10	QUESTIONS BY MR. KO: 17:58:25	10	to them that were potentially suspicious. 18:00:13
11	Q. Sure. Let me try -- 17:58:25	11	Is that accurate to say? 18:00:18
12	A. Okay. 17:58:27	12	A. Correct. 18:00:19
13	Q. -- again. 17:58:27	13	Q. Okay. And so applied to this 18:00:20
14	Prior to November 2, 2010 -- 17:58:29	14	memorandum, I am asking you to confirm that 18:00:26
15	A. All right. 17:58:33	15	prior to November 2, 2010, there were in fact 18:00:29
16	Q. -- it's safe to say that there 17:58:34	16	instances in which you shipped potentially 18:00:36
17	were instances in which you later discovered 17:58:37	17	suspicious orders because you were utilizing 18:00:38
18	that you have -- you were shipping suspicious 17:58:41	18	a peculiar order algorithm that relied on the 18:00:41
19	orders to distributors because you were 17:58:45	19	numeric formula. 18:00:45
20	utilizing a [REDACTED] or [REDACTED] peculiar order 17:58:47	20	MR. O'CONNOR: Object to form. 18:00:47
21	algorithm? 17:58:51	21	THE WITNESS: We shipped orders 18:00:48
22	MR. O'CONNOR: Object to form. 17:58:52	22	that would have been further 18:00:53
23	THE WITNESS: So the question 17:58:52	23	investigated if the algorithm was 18:00:56
24	is, is that problematic? 17:58:55	24	different, but I can't conclude that 18:00:58
25		25	we shipped suspicious orders because 18:01:00

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1	it's my belief that we have never	18:01:01	1	subsequently shipped.	18:02:41
2	shipped a suspicious order.	18:01:05	2	Q. Got it. Understood.	18:02:41
3	QUESTIONS BY MR. KO:	18:01:05	3	So from -- is it your testimony	18:02:43
4	Q. For what time period?	18:01:06	4	today that from 2008 to present, Mallinckrodt	18:02:48
5	A. Ever.	18:01:07	5	has not shipped a single suspicious order?	18:02:50
6	Q. Okay. So your testimony here	18:01:11	6	A. Yes. When we talk about	18:02:54
7	today is that you believe Mallinckrodt has	18:01:13	7	suspicious orders, direct orders to our	18:02:56
8	never shipped a suspicious order?	18:01:15	8	customers.	18:03:00
9	A. Yes.	18:01:16	9	Q. Okay. Let's take -- you can	18:03:00
10	Q. Okay. And that's	18:01:18	10	set that aside.	18:03:15
11	notwithstanding the settlement that	18:01:19	11	I hand you a copy of what will	18:03:19
12	Mallinckrodt had entered into with the DOJ	18:01:22	12	be marked as Harper Exhibit 33.	18:03:20
13	regarding its suspicious order monitoring	18:01:24	13	MR. KO: And for the record,	18:03:23
14	activities?	18:01:25	14	this is Bates -- ends in Bates 485740.	18:03:24
15	A. Correct.	18:01:26	15	(Mallinckrodt-Harper Exhibit 33	18:03:28
16	Q. Okay. And that's	18:01:31	16	marked for identification.)	18:03:29
17	notwithstanding the fact that the DOJ has	18:01:31	17	QUESTIONS BY MR. KO:	18:03:29
18	alleged, and Mallinckrodt has in fact	18:01:38	18	Q. Do you recognize that e-mail,	18:03:41
19	admitted in the DOJ agreement, that at	18:01:40	19	Ms. Harper?	18:03:44
20	certain points in time in 2008 through 2012	18:01:43	20	A. No, I don't, so I'm going to	18:03:45
21	Mallinckrodt did not have an adequate	18:01:46	21	read it, please --	18:03:52
22	suspicious order monitoring system?	18:01:49	22	Q. Sure.	18:03:52
23	MR. O'CONNOR: Object to form.	18:01:49	23	A. -- because -- yeah. Okay.	18:03:53
24	THE WITNESS: I -- I don't -- I	18:01:50	24	Q. In terms of the September 9,	18:04:40
25	don't recall the MOA language.	18:01:56	25	2010 e-mail that you drafted to James Parker,	18:04:47
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1	QUESTIONS BY MR. KO:	18:01:57	1	do you have any reason to doubt that you sent	18:04:51
2	Q. I guess what I'm trying to ask	18:01:57	2	that?	18:04:53
3	you is, I understand that -- well, let's take	18:01:59	3	A. No.	18:04:53
4	a step back.	18:02:03	4	Q. And who is James Parker?	18:04:53
5	I believe you testified earlier	18:02:04	5	A. He was a -- I don't know his	18:04:55
6	today that at least prior to 2008 there were	18:02:05	6	title, unless it's on here. He was in our	18:05:01
7	at least ten instances, somewhere between one	18:02:09	7	operational excellence program.	18:05:03
8	and ten instances, in which suspicious orders	18:02:14	8	Q. Okay. Was he in senior	18:05:07
9	were reported to the DEA.	18:02:17	9	management?	18:05:09
10	Was that correct?	18:02:18	10	A. No.	18:05:10
11	MR. O'CONNOR: Object to form.	18:02:19	11	Q. Okay. And there's a reference	18:05:13
12	THE WITNESS: Yes.	18:02:19	12	to Tom Berry as well, and that was at one	18:05:14
13	QUESTIONS BY MR. KO:	18:02:21	13	point your direct report, as you indicated	18:05:20
14	Q. So at least there were	18:02:22	14	previously, correct?	18:05:21
15	somewhere north of one but south of ten	18:02:23	15	A. Yes, I reported to Tom.	18:05:22
16	suspicious orders reported to the DEA?	18:02:25	16	Q. Okay. And you indicate in this	18:05:24
17	A. Yes.	18:02:26	17	e-mail -- the title of the e-mail is "DEA	18:05:30
18	Q. So that's more than the "none"	18:02:27	18	mandated a suspicious order monitoring	18:05:34
19	you just indicated to me; is that not	18:02:30	19	program"; is that correct?	18:05:35
20	accurate?	18:02:32	20	A. Yes.	18:05:35
21	A. You asked if we had shipped a	18:02:32	21	Q. Okay. And you indicate, among	18:05:36
22	suspicious order.	18:02:34	22	other -- well, you say, "Jim, I am working on	18:05:41
23	Q. I see.	18:02:35	23	obtaining the number relating to potential	18:05:45
24	A. But the orders that we had	18:02:36	24	lost business and have assembled some	18:05:50
25	reported between one and ten to DEA were not	18:02:38	25	documentation around actual fines imposed for	18:05:51

<p style="text-align: right;">Page 446</p> <p>1 regulatory noncompliance. I will work on the 18:05:54</p> <p>2 chart and will have all of the above ready by 18:05:56</p> <p>3 this weekend." 18:05:58</p> <p>4 Did I read that correctly? 18:05:59</p> <p>5 A. Yes. 18:05:59</p> <p>6 Q. And then there's a portion 18:06:00</p> <p>7 that's redacted, and then you go on to state, 18:06:02</p> <p>8 "I don't ever want to be perceived as a 18:06:04</p> <p>9 person who cried wolf by asking for a 18:06:07</p> <p>10 presentation to the larger group and welcome 18:06:09</p> <p>11 your feedback." 18:06:11</p> <p>12 A. Okay. 18:06:13</p> <p>13 Q. Did I read that correctly? 18:06:14</p> <p>14 A. Yes. 18:06:14</p> <p>15 Q. Okay. And again, the subject 18:06:15</p> <p>16 of this e-mail is the SOM program. 18:06:16</p> <p>17 Is it accurate to say that you 18:06:19</p> <p>18 are at this point asking Jim, or James, for a 18:06:24</p> <p>19 presentation to a larger group about 18:06:29</p> <p>20 Mallinckrodt's SOM program? 18:06:31</p> <p>21 A. It appears that way. I 18:06:32</p> <p>22 don't -- I do not remember these comments at 18:06:34</p> <p>23 all about the presentation -- 18:06:36</p> <p>24 Q. Sure. 18:06:37</p> <p>25 A. -- but I've refamiliarized 18:06:37</p>	<p style="text-align: right;">Page 448</p> <p>1 So we approached Jim Parker to 18:07:41</p> <p>2 ask him if he would lend his operational 18:07:44</p> <p>3 expertise to the suspicious order monitoring 18:07:47</p> <p>4 program. And in order to do that, these 18:07:48</p> <p>5 folks had to be chartered. So part of the 18:07:52</p> <p>6 charter statement was, what's the potential 18:07:54</p> <p>7 financial impact if we do not do -- perform 18:07:59</p> <p>8 this project. 18:08:02</p> <p>9 So that's why I'm referring to 18:08:03</p> <p>10 this potential lost business and actual fines 18:08:05</p> <p>11 which may be composed -- imposed for 18:08:09</p> <p>12 regulatory noncompliance. 18:08:12</p> <p>13 Q. And regulatory noncompliance 18:08:13</p> <p>14 with the CSA, correct? 18:08:15</p> <p>15 A. Yes. 18:08:17</p> <p>16 Q. Okay. And potential lost 18:08:17</p> <p>17 business, are you referring to the potential 18:08:19</p> <p>18 lost business from continuing to do business 18:08:21</p> <p>19 with your distributors to distribute 18:08:24</p> <p>20 prescription opioids? 18:08:26</p> <p>21 MR. O'CONNOR: Objection to 18:08:27</p> <p>22 form. 18:08:29</p> <p>23 THE WITNESS: Yes. 18:08:29</p> <p>24 QUESTIONS BY MR. KO: 18:08:33</p> <p>25 Q. Okay. And so in effect, you're 18:08:33</p>
<p style="text-align: right;">Page 447</p> <p>1 myself with the rest of the e-mail. 18:06:39</p> <p>2 Q. Okay. And I'll ask you a few 18:06:41</p> <p>3 questions about the previous e-mails. 18:06:44</p> <p>4 A. Certainly. 18:06:48</p> <p>5 Q. But do you recall what you are 18:06:48</p> <p>6 referring to by the "presentation to the 18:06:53</p> <p>7 larger group"? 18:06:55</p> <p>8 A. I don't. 18:06:55</p> <p>9 Q. Okay. 18:06:57</p> <p>10 A. I don't. 18:06:57</p> <p>11 Q. And when you are suggesting -- 18:06:58</p> <p>12 at the beginning of this e-mail when you are 18:07:01</p> <p>13 saying you are working on the number relating 18:07:03</p> <p>14 to potential lost business, are you referring 18:07:05</p> <p>15 to the potential lost business of 18:07:08</p> <p>16 Mallinckrodt -- well, strike that. 18:07:14</p> <p>17 What are you referring to when 18:07:16</p> <p>18 you're referring to the potential lost 18:07:19</p> <p>19 business? 18:07:21</p> <p>20 A. We approached Jim Parker 18:07:21</p> <p>21 because he was operational excellence. So 18:07:23</p> <p>22 there is initiative in business Six Sigma. 18:07:26</p> <p>23 It's a whole process of reviewing a program, 18:07:29</p> <p>24 fishbone charts, a lot of data gathering 18:07:34</p> <p>25 designed to improve a program. 18:07:38</p>	<p style="text-align: right;">Page 449</p> <p>1 doing -- you're asking -- or you are being 18:08:36</p> <p>2 asked to do some sort of burden/benefit 18:08:39</p> <p>3 analysis with respect to a more enhanced SOM 18:08:42</p> <p>4 program relative to the value of the business 18:08:46</p> <p>5 that Mallinckrodt has in distributing 18:08:51</p> <p>6 prescription opioids to its distributors. 18:08:53</p> <p>7 Is that accurate to say? 18:08:55</p> <p>8 MR. O'CONNOR: Objection to 18:08:56</p> <p>9 form. 18:08:57</p> <p>10 THE WITNESS: In order to 18:08:57</p> <p>11 complete this charter document and get 18:08:58</p> <p>12 the resources from the operational 18:08:59</p> <p>13 excellence group. 18:09:00</p> <p>14 QUESTIONS BY MR. KO: 18:09:01</p> <p>15 Q. Okay. That's all the questions 18:09:01</p> <p>16 I have on that. 18:09:04</p> <p>17 Unfortunately, I just only have 18:09:06</p> <p>18 one copy of this, so you will be the lucky 18:09:10</p> <p>19 one to get it. But this is a copy of the 18:09:12</p> <p>20 settlement agreement, the memorandum of 18:09:18</p> <p>21 understanding between Mallinckrodt and the 18:09:23</p> <p>22 DOJ, and it's previously been marked as 18:09:24</p> <p>23 Ratliff Exhibit 41. 18:09:26</p> <p>24 Does this document look 18:09:28</p> <p>25 familiar to you? 18:09:29</p>

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1 A. Yes. 18:09:29

2 Q. And I'd ask that you turn to 18:09:29

3 the -- 18:09:34

4 MR. KO: Sorry, Andrew, but I 18:09:35

5 know that you are probably very 18:09:37

6 familiar with this, so -- 18:09:39

7 MR. O'CONNOR: I'll look over 18:09:40

8 her shoulder. 18:09:42

9 THE WITNESS: Do you want to 18:09:42

10 know the page number? 18:09:42

11 QUESTIONS BY MR. KO: 18:09:42

12 Q. I just want to ask you to turn 18:09:43

13 to Section 4 -- 18:09:44

14 A. All right. 18:09:44

15 Q. -- of the agreement entitled 18:09:45

16 "Admission of Responsibility." 18:09:47

17 A. Is that acceptance of 18:09:49

18 responsibility? 18:09:51

19 Q. Sorry, acceptance of 18:09:52

20 responsibility. Thank you. 18:09:53

21 A. All right. 18:09:55

22 Q. Do you see that section? 18:09:55

23 A. Yes. 18:09:57

24 Q. And I know that earlier we had 18:09:57

25 been discussing some specific language, and 18:10:20

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1 certainly didn't expect you to remember 18:10:24

2 specifically what was included. But in that 18:10:25

3 section, there is reference made that during 18:10:29

4 the covered time period certain aspects of 18:10:33

5 Mallinckrodt's systems to monitor and detect 18:10:36

6 suspicious orders did not meet the standards 18:10:39

7 outlined in the DEA letters provided to you 18:10:41

8 in 2006 and 2007. Is that accurate? 18:10:43

9 A. Yes. 18:10:47

10 Q. Okay. And do you -- sitting 18:10:52

11 here today, do you agree with that admission? 18:10:55

12 A. We admitted no wrongdoing, but, 18:10:57

13 yes, I agree with the MOA -- the statement in 18:11:02

14 the MOA. 18:11:06

15 Q. Okay. And the covered time 18:11:07

16 period, by the way, just so the record is 18:11:09

17 clear -- and you can take a look at the 18:11:10

18 document if you'd like. But the covered time 18:11:12

19 period for the settlement agreement is from 18:11:15

20 January 1, 2008, through January 1, 2012, 18:11:16

21 correct? 18:11:19

22 A. So that's covered conduct, but 18:11:20

23 this paragraph relating to the admission of 18:11:33

24 guilt -- or acceptance of responsibility -- 18:11:36

25 very poor choice of words on my part -- is 18:11:40

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1 talking about a covered time period, 18:11:42

2 January 1, 2012, until -- oh, prior to 18:11:44

3 January 1, 2012, yes. 18:11:55

4 Q. Okay. So the covered time 18:11:56

5 period -- and I believe there's -- 18:12:00

6 A. I'm sorry. 18:12:02

7 Q. No, it's okay. It's not your 18:12:03

8 fault. I should have more -- more copies. 18:12:05

9 So there is a definition of the 18:12:10

10 covered time period in this agreement. 18:12:13

11 A. All right. 18:12:15

12 Q. And you can take a look at the 18:12:16

13 document, but I believe if my memory serves 18:12:19

14 me correct, that the covered time period 18:12:23

15 begins from January 1, 2008, through the date 18:12:25

16 of the signing of that agreement. 18:12:29

17 A. So that's part of the 18:12:34

18 background. 18:12:35

19 Q. Right. 18:12:36

20 A. Right. It's part of the 18:12:39

21 background. 18:12:40

22 Q. And so I just want to make sure 18:12:41

23 the record is clear. 18:12:42

24 So for purposes of the 18:12:43

25 Section 4 that we were looking at -- we were 18:12:45

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1 just looking at the admission of 18:12:46

2 responsibility? 18:12:48

3 A. Yes. 18:12:48

4 Q. -- there is reference made to 18:12:48

5 the covered -- from the covered time period 18:12:50

6 to January 1, 2012, correct? 18:12:53

7 A. Yes. 18:12:56

8 Q. And so the covered time period 18:12:58

9 begins on January 1, 2008, correct? 18:12:59

10 A. Yes. 18:13:02

11 Q. Okay. So -- 18:13:04

12 A. Sorry. 18:13:07

13 Q. A lot of flipping back and 18:13:08

14 forth. 18:13:11

15 But just so the record is 18:13:11

16 clear, the admission of responsibility is 18:13:13

17 that Mallinckrodt agrees that at certain 18:13:15

18 times from between January 1, 2008, through 18:13:18

19 January 1, 2012, certain aspects of 18:13:22

20 Mallinckrodt's system to monitor and detect 18:13:25

21 suspicious orders did not meet the standards 18:13:28

22 set forth in the DEA guidance letters, 18:13:30

23 correct? 18:13:32

24 MR. O'CONNOR: Object to form. 18:13:32

25 THE WITNESS: Correct. 18:13:34

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1 QUESTIONS BY MR. KO: 18:13:35

2 Q. Okay. And you would agree with 18:13:35

3 that statement, correct? 18:13:36

4 MR. O'CONNOR: Object -- same 18:13:37

5 objection. 18:13:40

6 THE WITNESS: Yes. 18:13:40

7 MR. O'CONNOR: Counsel, I think 18:13:41

8 we're at time. 18:13:42

9 MR. KO: Well, perfect, because 18:13:43

10 I think that was my last question. 18:13:45

11 VIDEOGRAPHER: Go off the 18:13:50

12 record? 18:13:52

13 MR. KO: Yes. 18:13:52

14 VIDEOGRAPHER: We're going off 18:13:53

15 the record at 6:13 p.m. 18:13:53

16 (Off the record at 6:13 p.m.) 18:13:56

17 VIDEOGRAPHER: We are back on 18:26:44

18 the record at 6:26 p.m. 18:26:52

19 DIRECT EXAMINATION 18:26:54

20 QUESTIONS BY MS. HERZFELD: 18:26:54

21 Q. Okay. Ms. Harper, we're back 18:26:55

22 after a break. My name is Tricia Herzfeld, 18:26:57

23 and I'm an attorney representing the 18:27:00

24 Tennessee plaintiffs. 18:27:02

25 Do you know anything about the 18:27:02

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1 Tennessee litigation? 18:27:05

2 A. Not specifically, no. 18:27:06

3 Q. Okay. 18:27:07

4 MS. HERZFELD: Before we get 18:27:08

5 started, I just want to lodge the 18:27:08

6 standard objections we've lodged in 18:27:10

7 all of our Mallinckrodt depositions 18:27:12

8 about the lack of timely document 18:27:14

9 production and the unnecessary 18:27:17

10 narrowing of the time limitation for 18:27:19

11 questioning the witness. 18:27:22

12 MR. O'CONNOR: And I'll lodge 18:27:23

13 our usual objection to the objection. 18:27:25

14 MS. HERZFELD: Wonderful. 18:27:27

15 Okay. Moving on. 18:27:30

16 QUESTIONS BY MS. HERZFELD: 18:27:33

17 Q. Okay. Ms. Harper, have you 18:27:33

18 ever been to Tennessee? 18:27:36

19 A. Yes. 18:27:37

20 Q. Okay. And have you been for 18:27:37

21 business? 18:27:41

22 A. Yes. 18:27:41

23 Q. Okay. And how many times? 18:27:42

24 A. Twice. 18:27:42

25 Q. Okay. And when were those two 18:27:42

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1 times? 18:27:43

2 A. I don't recall the dates. 18:27:43

3 Q. Do you recall roughly what 18:27:44

4 years? 18:27:46

5 A. So I was at FedEx, but I don't 18:27:48

6 know -- I truly don't know the date. 18:27:50

7 Q. Okay. 18:27:54

8 A. And I was at a small 18:27:54

9 distributor, and I cannot remember the name 18:27:56

10 or the date. 18:27:59

11 Q. Okay. And when you were at 18:28:00

12 FedEx, what was the purpose of that? 18:28:03

13 A. To watch their nighttime in and 18:28:04

14 out shift operation. 18:28:08

15 Q. Okay. And did you find 18:28:08

16 anything deficient in observing that? 18:28:11

17 A. No. 18:28:14

18 Q. And the small distributor that 18:28:14

19 you observed, that was during your time at 18:28:16

20 Mallinckrodt? 18:28:17

21 A. Yes. 18:28:18

22 Q. Okay. And do you recall who 18:28:18

23 else was at that meeting? 18:28:19

24 A. Bill Ratliff. 18:28:20

25 Q. Okay. And it was a 18:28:21

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1 distributor, not a pharmacy? 18:28:25

2 A. Yes. 18:28:26

3 Q. Okay. And do you recall 18:28:27

4 finding anything deficient with the 18:28:28

5 operations of that distributor? 18:28:30

6 A. No. 18:28:31

7 Q. Okay. And would there be 18:28:32

8 documentation someplace of that trip that you 18:28:35

9 took with Mr. Ratliff? 18:28:36

10 A. Yes, at least a meeting notice. 18:28:37

11 I'm not certain, yes. 18:28:43

12 Q. Okay. And do you know perhaps 18:28:45

13 if it was after the year 2005? 18:28:47

14 A. Yes. 18:28:50

15 Q. Okay. Do you think maybe it 18:28:52

16 was more recently than 2010? 18:28:53

17 A. Yes. 18:28:55

18 Q. Okay. So sometime between 2010 18:28:59

19 and -- do you think it was in the last three 18:29:01

20 or four years? 18:29:03

21 A. No. 18:29:04

22 Q. Okay. So maybe sometime 18:29:05

23 between 2010 and 2015? 18:29:06

24 A. Yes. 18:29:09

25 Q. Okay. Great. Okay. 18:29:11

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<p>1 And those are the only two 18:29:14</p> <p>2 times you've been to Tennessee for business; 18:29:16</p> <p>3 is that correct? 18:29:18</p> <p>4 A. Yes. 18:29:18</p> <p>5 Q. Okay. Have you been for 18:29:18</p> <p>6 pleasure? 18:29:19</p> <p>7 A. No. 18:29:20</p> <p>8 Q. Okay. Do you have any family 18:29:21</p> <p>9 or relatives in Tennessee? 18:29:23</p> <p>10 A. No. 18:29:25</p> <p>11 Q. Okay. 18:29:25</p> <p>12 A. I stopped over in Tennessee -- 18:29:25</p> <p>13 Q. Okay. 18:29:27</p> <p>14 A. -- once, so, sorry. 18:29:28</p> <p>15 Q. That's okay. 18:29:30</p> <p>16 Were you driving somewhere? 18:29:30</p> <p>17 A. I was coming back from Gulf 18:29:31</p> <p>18 Shores, and I stopped in Memphis to take a 18:29:33</p> <p>19 rest, yes. 18:29:36</p> <p>20 Q. Okay. And when you say you 18:29:37</p> <p>21 were coming from Gulf Shores, you meant from 18:29:38</p> <p>22 Gulf Shores back here to St. Louis? 18:29:41</p> <p>23 A. Yes. 18:29:42</p> <p>24 Q. Okay. Did you get to see 18:29:42</p> <p>25 anything when you were in Memphis? 18:29:44</p>	<p>1 understand Tennessee to be one of those 18:30:45</p> <p>2 states where pills were going from Florida to 18:30:46</p> <p>3 Tennessee? 18:30:49</p> <p>4 A. Yes. 18:30:50</p> <p>5 Q. Okay. And did you understand 18:30:50</p> <p>6 that when those pills were going from Florida 18:30:54</p> <p>7 to Tennessee, that they were ending up in the 18:30:56</p> <p>8 illegal drug market in Tennessee? 18:30:58</p> <p>9 MR. O'CONNOR: Object to form. 18:31:01</p> <p>10 THE WITNESS: Yes. 18:31:01</p> <p>11 QUESTIONS BY MS. HERZFELD: 18:31:03</p> <p>12 Q. Okay. And you said before that 18:31:03</p> <p>13 you'd heard of the Oxy Express. 18:31:06</p> <p>14 Do you know if that could have 18:31:09</p> <p>15 been highway I-75 that goes from Florida to 18:31:11</p> <p>16 Ohio? 18:31:13</p> <p>17 A. I'm sorry, I don't remember the 18:31:14</p> <p>18 highway number. 18:31:16</p> <p>19 Q. Okay. That's okay. 18:31:16</p> <p>20 The highway that is the Oxy 18:31:17</p> <p>21 Express, do you know if it goes through 18:31:21</p> <p>22 Tennessee? 18:31:23</p> <p>23 A. Yes, it does. 18:31:24</p> <p>24 Q. Okay. Okay. And have you ever 18:31:26</p> <p>25 had any communication with any law 18:31:35</p>
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<p>1 A. No. 18:29:45</p> <p>2 Q. Okay. And do you have any 18:29:47</p> <p>3 friends that live in Tennessee? 18:29:48</p> <p>4 A. No. 18:29:49</p> <p>5 Q. Okay. And you said earlier 18:29:51</p> <p>6 that you were aware of the opioid epidemic in 18:29:53</p> <p>7 this country. 18:29:56</p> <p>8 Do you recall that testimony? 18:29:56</p> <p>9 A. Yes. 18:29:57</p> <p>10 Q. Okay. And are you aware of any 18:29:58</p> <p>11 particular regions of the country where the 18:30:00</p> <p>12 opioid epidemic seems to have hit harder than 18:30:02</p> <p>13 others? 18:30:06</p> <p>14 MR. O'CONNOR: Objection. 18:30:07</p> <p>15 Form. 18:30:08</p> <p>16 THE WITNESS: I read the press, 18:30:09</p> <p>17 so Florida, Kentucky, Tennessee, yes, 18:30:11</p> <p>18 I'm familiar with that -- that press. 18:30:18</p> <p>19 QUESTIONS BY MS. HERZFELD: 18:30:20</p> <p>20 Q. Okay. Okay. And I think you 18:30:20</p> <p>21 had already testified that you knew that 18:30:36</p> <p>22 pills were going from Florida to other 18:30:38</p> <p>23 states; is that correct, ma'am? 18:30:41</p> <p>24 A. Yes. 18:30:41</p> <p>25 Q. Okay. And was -- did you 18:30:42</p>	<p>1 enforcement in Tennessee? 18:31:36</p> <p>2 A. Yes. 18:31:37</p> <p>3 Q. Okay. And can you tell me 18:31:38</p> <p>4 roughly how many times? 18:31:40</p> <p>5 A. Me, once. 18:31:41</p> <p>6 Q. Okay. And what was the time? 18:31:46</p> <p>7 A. I'm not -- I don't want -- I 18:31:49</p> <p>8 don't want to swear to the year or attest to 18:31:55</p> <p>9 the year. I believe it was 2008. 18:31:58</p> <p>10 Q. Okay. And do you recall who it 18:32:00</p> <p>11 is you were speaking with? 18:32:05</p> <p>12 A. No. 18:32:06</p> <p>13 Q. Okay. I'm going to show you 18:32:10</p> <p>14 what we're going to have marked here as 18:32:11</p> <p>15 Exhibit 34, which we're going to late file 18:32:14</p> <p>16 with an e-mail. 18:32:16</p> <p>17 MS. HERZFELD: No objection 18:32:18</p> <p>18 from defendants, yes? 18:32:18</p> <p>19 MR. O'CONNOR: Provided it's 18:32:19</p> <p>20 the copy we see. 18:32:20</p> <p>21 MS. HERZFELD: Yes, sir. 18:32:22</p> <p>22 (Mallinckrodt-Harper Exhibit 34 18:32:23</p> <p>23 marked for identification.) 18:32:23</p> <p>24 QUESTIONS BY MS. HERZFELD: 18:32:23</p> <p>25 Q. Okay. And I am going to turn 18:32:24</p>

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1 this around so you can just read it 18:32:24

2 yourself -- 18:32:26

3 A. Oh, great, because I just -- 18:32:26

4 Q. It's just -- 18:32:28

5 A. I just had lens implants, so 18:32:28

6 thank you. 18:32:31

7 Q. Oh, very good. 18:32:31

8 And if you want to read down, 18:32:33

9 you can just use your finger, just, you know. 18:32:34

10 A. Okay. 18:32:38

11 All right. I've reread, yes. 18:32:39

12 Q. Okay. Great. 18:33:14

13 And you received this e-mail 18:33:15

14 from Bill Ratliff on Wednesday, July 8, 2009; 18:33:17

15 is that correct? 18:33:21

16 A. July 7, 2009. 18:33:21

17 Q. July 7th. Okay. 18:33:38

18 A. Yes, ma'am. 18:33:39

19 Q. And does this e-mail describe a 18:33:43

20 communication that Mr. Ratliff had received 18:33:45

21 from an Officer Dwayne Collins in Morristown 18:33:47

22 talking about pills going from -- being found 18:33:50

23 in an illegal drug transaction in Tennessee 18:33:54

24 that were traced to Florida? 18:33:56

25 A. Yes. 18:33:58

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1 Q. Okay. And just for the record, 18:34:00

2 this is a three-page document that is labeled 18:34:03

3 MNK_TNSTA05123927. 18:34:09

4 Okay. Great. Now we're done 18:34:15

5 with that complicated moment. 18:34:17

6 Okay. And did you personally 18:34:26

7 speak to Officer Dwayne Collins; do you 18:34:27

8 recall? 18:34:32

9 A. I believe the initial contact 18:34:32

10 to Mallinckrodt was to me. 18:34:38

11 Q. Okay. 18:34:39

12 A. And I immediately turn it over 18:34:39

13 to Bill Ratliff. 18:34:40

14 Q. Okay. And once you turned it 18:34:41

15 over to Mr. Ratliff, did you have any further 18:34:43

16 involvement with that situation? 18:34:47

17 A. Yes. 18:34:48

18 Q. Okay. And what was your 18:34:48

19 involvement? 18:34:49

20 A. I helped Mr. Ratliff obtain the 18:34:49

21 reports he was requesting in terms of the 18:34:56

22 shipments of the particular drug product that 18:35:03

23 was the object of the investigation. 18:35:05

24 Q. Okay. And is there any other 18:35:07

25 involvement that you had with the situation 18:35:10

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1 in Morristown? 18:35:13

2 A. Only to the extent that the 18:35:14

3 situation in Morristown led us to review -- 18:35:18

4 to go to Sunrise distributors. 18:35:24

5 Q. Okay. And then I think you've 18:35:26

6 already testified about your involvement with 18:35:27

7 Sunrise today. 18:35:29

8 A. Yes. 18:35:30

9 Q. Okay. But other than that, 18:35:31

10 specifically with the Tennessee portion, you 18:35:32

11 didn't have any other involvement in that? 18:35:34

12 A. There were some chargeback 18:35:37

13 reports -- 18:35:39

14 Q. Okay. 18:35:39

15 A. -- also, but those were 18:35:39

16 gathered to provide to Mr. Ratliff -- 18:35:42

17 Q. Okay. 18:35:44

18 A. -- again within the initial 18:35:45

19 course of his investigation. 18:35:47

20 Q. Okay. 18:35:48

21 A. But, no, nothing else. 18:35:48

22 Q. And do you know -- oh, go 18:35:52

23 ahead. 18:35:54

24 A. I apologize. 18:35:54

25 Q. That's okay. 18:35:55

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1 A. I apologize. 18:35:56

2 So we made the decision to go 18:35:56

3 to Sunrise and conduct an audit. Mr. Ratliff 18:35:59

4 contacted Pete Kleissle, who was our 18:36:04

5 diversion group supervisor of DEA St. Louis. 18:36:06

6 Pete came to Mallinckrodt, and 18:36:10

7 we had an informal conversation about -- 18:36:11

8 where Mr. Ratliff conveyed the circumstances 18:36:15

9 around the law enforcement investigation. 18:36:18

10 And Mr. Ratliff told Pete Kleissle that we 18:36:20

11 intended to go and conduct an audit of 18:36:23

12 Sunrise. So I was present for that meeting. 18:36:26

13 Q. Okay. And so Tennessee was 18:36:29

14 brought up in the context of we received this 18:36:30

15 information from this individual in 18:36:33

16 Morristown? 18:36:34

17 A. Yes. 18:36:35

18 Q. Okay. And the chargeback 18:36:35

19 reports that you provided to Mr. Ratliff in 18:36:37

20 furtherance of his investigation in response 18:36:41

21 to this Morristown e-mail, do you recall 18:36:43

22 specifically what information was pulled in 18:36:46

23 those chargeback reports? 18:36:47

24 A. I don't know specifically what 18:36:48

25 the reports -- how they were tailored or 18:36:57

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1	customized. 18:36:59	1	Diversion Investigators, the title of their 18:38:55
2	Q. Okay. Do you know where I 18:37:00	2	newsletter is RX News. 18:38:56
3	could locate those reports? 18:37:01	3	Q. Okay. 18:38:57
4	A. I don't know. 18:37:03	4	A. And a lot of them came 18:38:58
5	Q. Okay. Would you have e-mailed 18:37:10	5	through -- it was called Mudri, or Mudri, 18:38:59
6	them to Mr. Ratliff? 18:37:11	6	agency. 18:39:02
7	A. They would have likely been 18:37:12	7	Q. Okay. 18:39:03
8	e-mailed from Eileen Spaulding. 18:37:14	8	A. So it was all connected to 18:39:03
9	Q. Okay. 18:37:19	9	these NADDI reports. 18:39:05
10	A. And potentially on the 18:37:19	10	Q. Okay. So those are all 18:39:06
11	chargebacks from Kate Muhlenkamp. 18:37:21	11	generally the same thing, even if they have 18:39:07
12	Q. Okay. And it would have been 18:37:25	12	different names? 18:39:09
13	to you and/or Mr. Ratliff? 18:37:29	13	A. Yes. 18:39:10
14	A. Yes. 18:37:31	14	Q. Okay. Great. 18:39:11
15	Q. Okay. And would it have been 18:37:32	15	And you received those reports 18:39:11
16	around that time in 2009? 18:37:34	16	as part of your job; is that correct? 18:39:13
17	A. Yes. 18:37:36	17	A. Yes. 18:39:15
18	Q. Okay. And the -- that's all 18:37:39	18	Q. Okay. And then did 18:39:16
19	you remember about the chargeback data? 18:37:43	19	Mallinckrodt take that information and then 18:39:17
20	Is there anything else you 18:37:45	20	turn that into a controlled substances 18:39:20
21	remember? 18:37:46	21	compliance monthly newsletter? 18:39:23
22	A. It was 2009 -- I'm sorry. 18:37:46	22	A. Yes. 18:39:26
23	Q. That's okay. 18:37:48	23	Q. Okay. And who was responsible 18:39:27
24	A. That's the drug task force 18:37:49	24	for doing that? 18:39:28
25	officer call to Mallinckrodt. 18:37:51	25	A. One of my colleagues. Her name 18:39:29
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1	Q. Yes, ma'am. 18:37:52	1	is Carrie Johnson, and she's at our Hobart, 18:39:32
2	A. I'm sorry. 18:37:53	2	New York, facility. 18:39:36
3	So can you repeat the last 18:37:53	3	Q. Okay. And basically in those 18:39:37
4	question? 18:37:56	4	controlled substances compliance monthly 18:39:39
5	Q. Sure. 18:37:56	5	newsletters, it would summarize news articles 18:39:41
6	So when the chargeback data was 18:37:57	6	about controlled substances? 18:39:43
7	pulled, do you believe that would have been 18:37:58	7	A. Yes. Well, the reports we had 18:39:44
8	in 2009? 18:38:01	8	obtained through RX News, yes. 18:39:47
9	A. Yes. 18:38:01	9	Q. Okay. And does Mallinckrodt 18:39:49
10	Q. Okay. Okay. Okay. And I 18:38:03	10	still receive some kind of document that 18:39:53
11	think you testified earlier that as part of 18:38:25	11	aggregates news articles in that way? 18:39:56
12	your job, you were included on certain 18:38:26	12	A. I don't know. We have Google 18:39:58
13	LISTSERVs where you received news articles? 18:38:29	13	Alerts set, but I don't know that we receive 18:40:03
14	A. Yes. 18:38:30	14	RX News or if they still provide that 18:40:05
15	Q. Okay. And those were the 18:38:31	15	service. 18:40:07
16	NADDI; is that right? 18:38:34	16	Q. Google Alerts is definitely 18:40:08
17	A. Yes. 18:38:35	17	pretty easy to do, right? 18:40:11
18	Q. Okay. Which is the National 18:38:35	18	A. Yes. 18:40:12
19	Association of Drug Diversion Investigators? 18:38:39	19	Q. Okay. Do you know what words 18:40:12
20	A. Yes. 18:38:39	20	are keyed in for Google Alerts? 18:40:13
21	Q. Okay. And also RX News? 18:38:39	21	A. Yes. 18:40:16
22	A. Yes. 18:38:42	22	Q. Could you tell me, please? 18:40:16
23	Q. Okay. And then what is Mudri 18:38:43	23	A. "Oxycodone." "Prescription 18:40:18
24	and Associates? 18:38:46	24	drug." "Diversion." "Pharmacy theft." 18:40:23
25	A. So National Association of Drug 18:38:50	25	Those are some, but I don't know that that's 18:40:28

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1 an all-inclusive list. 18:40:30

2 Q. Okay. Thank you, ma'am. 18:40:32

3 Do you know if "pill mill" is 18:40:33

4 in there? 18:40:34

5 A. I believe so. 18:40:35

6 Q. Okay. And one of the things 18:40:37

7 that you're monitoring is news about pill 18:40:39

8 mills? 18:40:42

9 A. Yes. 18:40:42

10 Q. Okay. And specifically pill 18:40:44

11 mills that are dealing in oxycodone? 18:40:45

12 A. Yes. 18:40:48

13 Q. Okay. And are you aware of 18:40:51

14 that there are pill mills in the state of 18:40:54

15 Tennessee? 18:40:56

16 A. I may have received articles to 18:40:56

17 that effect, but not -- no, I'm not -- it's 18:41:00

18 not in my sphere of awareness right now. 18:41:02

19 Q. Okay. I can show you some of 18:41:06

20 the articles if you'd like. 18:41:07

21 A. No, I'll believe you. 18:41:08

22 Q. Oh, well, I don't want to 18:41:10

23 testify to it. I just need to know if you 18:41:11

24 were aware from your time at Mallinckrodt -- 18:41:15

25 A. Oh, yes. 18:41:16

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1 Q. -- that there are pill mills in 18:41:17

2 Tennessee. 18:41:19

3 A. Yes. Yes. 18:41:19

4 Q. Okay. Great, ma'am. Thank 18:41:20

5 you. 18:41:22

6 And had you ever heard that 18:41:22

7 those pill mills, some of them had popped up 18:41:23

8 more after pill mills had closed in Florida? 18:41:26

9 A. Yes. 18:41:28

10 MR. O'CONNOR: Object to form. 18:41:29

11 QUESTIONS BY MS. HERZFELD: 18:41:30

12 Q. So if pill mills closed in 18:41:30

13 Florida, you heard that more had popped up in 18:41:32

14 Tennessee? 18:41:34

15 A. Yes, and surrounding states, 18:41:35

16 yes. 18:41:37

17 Q. Okay. Thank you, ma'am. 18:41:37

18 (Mallinckrodt-Harper Exhibit 35 18:42:59

19 marked for identification.) 18:43:00

20 QUESTIONS BY MS. HERZFELD: 18:43:00

21 Q. Okay. We'll mark this next 18:43:00

22 exhibit as number 35. 18:43:01

23 Okay. I've handed you what 18:43:17

24 we've marked as Exhibit 35. 18:43:40

25 For the record, it's Bates 18:43:42

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1 number MNK-T1_0007185722. 18:43:43

2 Okay. What I've handed you 18:43:53

3 here is an e-mail that you received from 18:43:57

4 Eileen Spaulding dated August 11, 2016; is 18:43:59

5 that correct? 18:44:03

6 A. Yes, that's part of the chain. 18:44:03

7 Q. Okay. And then the subject is 18:44:05

8 re: Google Alert oxycodone; is that correct? 18:44:07

9 A. Yes. 18:44:09

10 Q. Okay. And so looking down 18:44:10

11 here, I'm mostly interested in -- who is 18:44:14

12 Heather McKenzie? 18:44:17

13 A. She was part of our group -- 18:44:19

14 well, she's still part of the controlled 18:44:21

15 substances compliance group, but she for a 18:44:25

16 period of time worked more closely with 18:44:26

17 suspicious order monitoring. 18:44:29

18 Q. Okay. And was she working more 18:44:29

19 with suspicious order monitoring or 18:44:32

20 controlled substances compliance in August 18:44:34

21 of 2016? 18:44:37

22 A. Suspicious order monitoring. 18:44:37

23 Q. Okay. And so it looks to me 18:44:39

24 like Heather McKenzie set up her Google Alert 18:44:41

25 to her work e-mail address and is excited 18:44:44

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1 that it showed up. 18:44:47

2 Does that look correct? 18:44:48

3 A. Yes. Yes. 18:44:49

4 Q. Okay. And she's e-mailing that 18:44:50

5 to you. 18:44:51

6 Was that a direction from you 18:44:54

7 to her to set up the Google Alert? 18:44:55

8 A. Yes. 18:44:57

9 Q. Okay. And why was that? 18:44:58

10 A. She was taking over the 18:44:58

11 responsibility being passed on from Carrie 18:45:00

12 Johnson. 18:45:03

13 Q. Okay. Great. 18:45:04

14 And then Eileen says, "It seems 18:45:04

15 like there's an awful lot of hits here. Is 18:45:08

16 this what Jen used to receive? Just make 18:45:11

17 sure we set up her Google Alerts correctly 18:45:13

18 for the right terms. Eileen." 18:45:16

19 Do you see where it says that? 18:45:18

20 A. Yes, and I'd like to clarify my 18:45:21

21 last answer. 18:45:23

22 Q. Sure. 18:45:23

23 A. So Carrie Johnson did the 18:45:24

24 Google Alerts, and then this prompted my 18:45:27

25 memory. There was a woman named Jen Buist 18:45:31

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<p>1 who did for them a while. 18:45:34</p> <p>2 Q. Okay. 18:45:34</p> <p>3 A. Jen left the company, and then 18:45:36</p> <p>4 they went to this Heather McKenzie. 18:45:37</p> <p>5 Q. Okay. Great. 18:45:40</p> <p>6 And do you know if Heather does 18:45:40</p> <p>7 them now? 18:45:41</p> <p>8 A. She does not. 18:45:42</p> <p>9 Q. Do you know who does? 18:45:42</p> <p>10 A. Yes. 18:45:44</p> <p>11 Q. Who is it? 18:45:44</p> <p>12 A. There's a controlled substances 18:45:45</p> <p>13 compliance auditor analyst at our Hobart, New 18:45:48</p> <p>14 York, facility who takes care of them. 18:45:52</p> <p>15 Q. And do you know his or her 18:45:53</p> <p>16 name? 18:45:55</p> <p>17 A. She's very new. Rochelle -- 18:45:55</p> <p>18 it's like MoQuay or Mokay. I'm not certain. 18:46:00</p> <p>19 She's within the past couple of weeks joined 18:46:03</p> <p>20 our group. 18:46:05</p> <p>21 Q. Oh, very new. 18:46:05</p> <p>22 A. Yes. 18:46:06</p> <p>23 Q. Okay. Great. 18:46:07</p> <p>24 And in between Rochelle, has 18:46:07</p> <p>25 Heather had the responsibility from that 18:46:10</p>	<p>1 usual? 18:47:12</p> <p>2 A. So I'm looking to see, please, 18:47:12</p> <p>3 if these are Google Alerts all from the same 18:47:14</p> <p>4 day or if it's an accumulation of days. I 18:47:17</p> <p>5 cannot tell that by this document. 18:47:21</p> <p>6 Q. Okay. And do you know if you 18:47:22</p> <p>7 normally had your team running them, the 18:47:25</p> <p>8 Google Alerts for oxycodone and the other key 18:47:27</p> <p>9 words we had talked about, once a day or once 18:47:30</p> <p>10 a week? 18:47:33</p> <p>11 A. So it's a passive process. We 18:47:34</p> <p>12 set up the Google Alerts, and then the Google 18:47:37</p> <p>13 Alerts come to us automatically based upon 18:47:40</p> <p>14 Google's search for these key terms. 18:47:43</p> <p>15 Q. Okay. So you don't set the 18:47:45</p> <p>16 frequency; Google does? 18:47:47</p> <p>17 A. Correct. 18:47:48</p> <p>18 Q. Okay. Okay. And so looking at 18:47:49</p> <p>19 this basically nine and a half pages of hits, 18:47:53</p> <p>20 that didn't seem unusual to you according to 18:47:55</p> <p>21 this e-mail? 18:47:56</p> <p>22 A. Correct. 18:47:57</p> <p>23 Q. Okay. And then when you said, 18:47:57</p> <p>24 "Not all articles require any kind of 18:47:59</p> <p>25 chargeback lookup whatsoever," typically did 18:48:02</p>
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<p>1 point? 18:46:12</p> <p>2 A. Yes. 18:46:13</p> <p>3 Q. Okay. So then Eileen says, as 18:46:16</p> <p>4 we just said, going back to this, it looks 18:46:20</p> <p>5 like basically there's a lot of hits there. 18:46:22</p> <p>6 Is that usual. 18:46:25</p> <p>7 Did you respond to her? 18:46:26</p> <p>8 A. Yes. 18:46:27</p> <p>9 Q. Okay. And that's the next 18:46:28</p> <p>10 e-mail chain here, Thursday, August 11th, at 18:46:29</p> <p>11 8:56 a.m.; is that right? 18:46:34</p> <p>12 A. Yes. 18:46:36</p> <p>13 Q. Okay. And so in this e-mail 18:46:36</p> <p>14 you say, "The amount of hits is correct; 18:46:38</p> <p>15 however, important note: Not all articles 18:46:40</p> <p>16 require any kind of chargeback lookup 18:46:42</p> <p>17 whatsoever." 18:46:46</p> <p>18 So let's back up a little bit 18:46:47</p> <p>19 before we get there. 18:46:48</p> <p>20 So you say, "The amount is 18:46:49</p> <p>21 correct." Let's start with that. 18:46:51</p> <p>22 There are, gosh, one, two -- 18:46:54</p> <p>23 nine and a half, roughly, pages of Google 18:47:05</p> <p>24 hits here. 18:47:07</p> <p>25 Is that -- that's what was 18:47:08</p>	<p>1 some article require chargeback lookup? 18:48:06</p> <p>2 A. Yes, if a pharmacy was named. 18:48:08</p> <p>3 Q. If a pharmacy was named. Okay. 18:48:09</p> <p>4 What about if a physician was 18:48:11</p> <p>5 named? 18:48:12</p> <p>6 A. In -- at some point in our 18:48:13</p> <p>7 program, yes, but not -- not at the current 18:48:21</p> <p>8 time. 18:48:25</p> <p>9 Q. Okay. And what was the period 18:48:26</p> <p>10 of time that you would do a chargeback lookup 18:48:27</p> <p>11 if a physician was named? 18:48:30</p> <p>12 A. I don't know -- I don't know 18:48:31</p> <p>13 the span of time. 18:48:33</p> <p>14 Q. Okay. Do you know for how long 18:48:34</p> <p>15 it was? Months? Years? Weeks? 18:48:36</p> <p>16 A. Months. I can't say years. 18:48:39</p> <p>17 Months up to -- up to a year or so. 18:48:46</p> <p>18 Q. Okay. But you don't remember 18:48:49</p> <p>19 the time period when that happened? 18:48:50</p> <p>20 A. No. 18:48:53</p> <p>21 Q. And do you know why that 18:48:53</p> <p>22 practice was discontinued? 18:48:56</p> <p>23 A. The answer may require 18:48:58</p> <p>24 privileged information. 18:49:07</p> <p>25 MR. O'CONNOR: And of course 18:49:08</p>

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1	I'll instruct the witness not to 18:49:10	1	A. It's -- it was active in the 18:50:57
2	answer to the extent it requires 18:49:11	2	early part of 2012 -- 18:51:02
3	revealing communications with a 18:49:13	3	Q. Okay. 18:51:03
4	lawyer. 18:49:14	4	A. -- but I just don't know 18:51:04
5	QUESTIONS BY MS. HERZFELD: 18:49:15	5	specifically when it started before that or 18:51:06
6	Q. Can you answer the question 18:49:16	6	ended after that. 18:51:08
7	without telling me what your lawyers told 18:49:17	7	Q. Okay. Great. 18:51:10
8	you? 18:49:20	8	Okay. So going back to what we 18:51:13
9	A. I cannot. 18:49:20	9	have here. So you said pharmacy would 18:51:15
10	Q. Okay. So I'll take it -- 18:49:28	10	require a chargeback look. If there was a 18:51:18
11	A. I'm sorry. 18:49:29	11	pharmacy name in Google Alert, that would 18:51:21
12	Q. That's okay. 18:49:29	12	require a chargeback look from your team; is 18:51:24
13	So when I ask, at some point 18:49:29	13	that right? 18:51:27
14	did it change looking at chargeback 18:49:32	14	A. Yes. 18:51:27
15	information when the mention of doctors were 18:49:34	15	Q. Okay. And if physician named, 18:51:27
16	in these Google hits or the Google news 18:49:37	16	for a short period of time you did a search 18:51:29
17	alerts, you're asserting attorney-client 18:49:40	17	for physician information, if they were 18:51:33
18	privilege to answer that question? 18:49:43	18	named? 18:51:36
19	A. Yes, I am. 18:49:44	19	A. Yes. 18:51:36
20	Q. Okay. And your attorney has 18:49:45	20	Q. Okay. And what type of search 18:51:37
21	advised you to assert attorney-client 18:49:46	21	would you do for physicians? 18:51:39
22	privilege to this question, and you're taking 18:49:49	22	A. So we were -- that was when we 18:51:41
23	his advice? 18:49:53	23	were looking at IMS data. 18:51:43
24	A. Correct. 18:49:53	24	Q. Okay. 18:51:45
25	Q. Okay. Okay. So there's no 18:49:54	25	A. And an internal group provided 18:51:46
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1	other way you could answer that without 18:49:55	1	us a list of physicians that were the highest 18:51:54
2	telling me what your attorney said? 18:49:56	2	prescribers of oxycodone within the country. 18:51:56
3	A. No. 18:49:58	3	Q. Okay. And you said an internal 18:51:58
4	Q. Okay. Do you know if the 18:50:00	4	group provided you that list of physicians. 18:52:01
5	decision to stop monitoring physicians for 18:50:04	5	What was the name of the 18:52:03
6	chargeback data when you've gotten an alert 18:50:09	6	internal group? 18:52:05
7	from Google, if that happened within the past 18:50:13	7	A. Oh, gosh, I can't remember. 18:52:07
8	two years? 18:50:15	8	Q. Okay. Do you remember who was 18:52:09
9	A. It did not. 18:50:16	9	on it? 18:52:11
10	Q. Okay. Do you know if it 18:50:17	10	A. Yes. 18:52:12
11	happened in the last five years? 18:50:18	11	Q. Okay. Could you tell me the 18:52:13
12	A. I'm aware that I'm under oath, 18:50:21	12	name? 18:52:14
13	and I apologize, I'm just terrible with my 18:50:23	13	A. Certainly. There was a lady 18:52:14
14	dates and years, as we've heard all day long. 18:50:25	14	named Tammy Fraley and a gentleman named 18:52:15
15	So I can't -- you continue -- and I 18:50:28	15	Jeremy Stammer. 18:52:20
16	appreciate you're trying to help me with a 18:50:32	16	Q. Okay. And they would provide 18:52:23
17	frame of reference in time, but I can't 18:50:34	17	you a list of the top prescribing oxycodone 18:52:26
18	answer the question. 18:50:36	18	physicians within the country? 18:52:30
19	Q. If you can't answer it, you 18:50:36	19	A. Yes. 18:52:32
20	can't answer it. I'm just trying to figure 18:50:39	20	Q. Okay. And what would you do 18:52:33
21	out if it was very -- you know, at the 18:50:40	21	with that list? 18:52:34
22	beginning, in like 2007, or if we're talking 18:50:42	22	A. If we learned the name of a 18:52:35
23	in 2018. 18:50:45	23	physician for that period of time we were 18:52:39
24	A. It's not 2010; it's not 2018. 18:50:48	24	conducting that activity through Google Alert 18:52:41
25	Q. Okay. 18:50:57	25	or when we were talking to our wholesaler and 18:52:44

<p style="text-align: right;">Page 482</p> <p>1 distributor customers about their due 18:52:49</p> <p>2 diligence with the downstream registrants, 18:52:53</p> <p>3 the pharmacies, sometimes they had gathered 18:52:55</p> <p>4 information on who the top prescribers were 18:52:59</p> <p>5 at a pharmacy. 18:53:02</p> <p>6 Q. Okay. 18:53:03</p> <p>7 A. So then we'd compare that name 18:53:03</p> <p>8 to our list of top prescribers. 18:53:06</p> <p>9 Q. Okay. And then if you found 18:53:08</p> <p>10 that person on the list of top prescribers, 18:53:10</p> <p>11 what, if anything, would you do? 18:53:13</p> <p>12 A. It was a -- pardon me. 18:53:14</p> <p>13 Q. It's okay. 18:53:16</p> <p>14 A. It was a contributing factor to 18:53:16</p> <p>15 whether we -- it was another factor in 18:53:20</p> <p>16 evaluating whether we would restrict the 18:53:23</p> <p>17 payment of chargebacks to that pharmacy. 18:53:27</p> <p>18 Q. Okay. So I just want to make 18:53:30</p> <p>19 sure that I'm understanding this correctly. 18:53:31</p> <p>20 So for a relatively short 18:53:33</p> <p>21 period of time, somewhere maybe around 18:53:35</p> <p>22 2012 -- 18:53:37</p> <p>23 A. Yes. 18:53:39</p> <p>24 Q. Okay. When you'd receive a 18:53:40</p> <p>25 Google Alert or other information from a 18:53:42</p>	<p style="text-align: right;">Page 484</p> <p>1 in, you said you thought, a matter of months, 18:54:26</p> <p>2 maybe a year. It wasn't something that went 18:54:29</p> <p>3 on for years and years? 18:54:30</p> <p>4 A. Yes, that's my approximation, 18:54:31</p> <p>5 yes. 18:54:33</p> <p>6 Q. Okay. Great. 18:54:33</p> <p>7 Okay? And you'd also said in 18:54:33</p> <p>8 earlier testimony that someone from your team 18:54:39</p> <p>9 or you would review the Federal Register 18:54:41</p> <p>10 every day; is that correct? 18:54:46</p> <p>11 MR. O'CONNOR: Objection to 18:54:46</p> <p>12 form. 18:54:47</p> <p>13 THE WITNESS: Yes. 18:54:47</p> <p>14 QUESTIONS BY MS. HERZFELD: 18:54:47</p> <p>15 Q. Okay. And in those Federal 18:54:49</p> <p>16 Register updates, there are updates to the 18:54:53</p> <p>17 Federal Codes of Regulations; is that right? 18:54:54</p> <p>18 A. Yes. 18:54:56</p> <p>19 Q. Okay. And there are also, from 18:54:57</p> <p>20 time to time, updates of, for example, 18:54:58</p> <p>21 physicians who have been indicted; is that 18:55:00</p> <p>22 correct? 18:55:02</p> <p>23 A. Yes. 18:55:02</p> <p>24 Q. Okay. And so would you review 18:55:03</p> <p>25 those Federal Register documents for 18:55:05</p>
<p style="text-align: right;">Page 483</p> <p>1 distributor's pharmacy or from their 18:53:48</p> <p>2 information about a physician, you also had a 18:53:49</p> <p>3 list from an internal group that was the 18:53:52</p> <p>4 highest prescribers of oxycodone, and you 18:53:55</p> <p>5 would compare the two and use those as a 18:53:57</p> <p>6 factor in making a determination of whether 18:54:01</p> <p>7 you were giving chargebacks? 18:54:02</p> <p>8 MR. O'CONNOR: Objection to 18:54:04</p> <p>9 form. 18:54:05</p> <p>10 THE WITNESS: Paying 18:54:05</p> <p>11 chargebacks, yes. 18:54:06</p> <p>12 QUESTIONS BY MS. HERZFELD: 18:54:07</p> <p>13 Q. Okay. Paying chargebacks -- 18:54:07</p> <p>14 A. Yes, ma'am. 18:54:08</p> <p>15 Q. -- not giving chargebacks. 18:54:09</p> <p>16 A. Yes. 18:54:10</p> <p>17 Q. Okay. I just wanted to make 18:54:10</p> <p>18 sure I understood that. 18:54:12</p> <p>19 But then that practice was 18:54:13</p> <p>20 discontinued after a relatively short period 18:54:14</p> <p>21 of time? 18:54:17</p> <p>22 A. Again, I don't know the stop 18:54:17</p> <p>23 and the start date or how long we used that 18:54:19</p> <p>24 as a component of our program. I don't know. 18:54:22</p> <p>25 Q. But it was -- it was stopped 18:54:24</p>	<p style="text-align: right;">Page 485</p> <p>1 physicians that had been indicted or arrested 18:55:10</p> <p>2 for anything involving prescription opioids? 18:55:13</p> <p>3 A. Yes. 18:55:17</p> <p>4 Q. Okay. And what would you do 18:55:18</p> <p>5 with that information if you saw it? 18:55:20</p> <p>6 A. So that would have been during 18:55:21</p> <p>7 the same amount of time. 18:55:26</p> <p>8 Q. Okay. 18:55:28</p> <p>9 A. If we're reviewing information 18:55:28</p> <p>10 gathered by any source that named a 18:55:30</p> <p>11 prescriber, we were -- we were comparing that 18:55:31</p> <p>12 to the top prescriber listing of -- that had 18:55:34</p> <p>13 been supplied to us. 18:55:38</p> <p>14 Q. Okay. But once that -- that 18:55:39</p> <p>15 short-term practice ended, did you continue 18:55:41</p> <p>16 to do that? 18:55:44</p> <p>17 A. No. 18:55:45</p> <p>18 Q. Okay. Okay. And when you 18:55:46</p> <p>19 would receive these Google Alerts and it 18:56:01</p> <p>20 would talk about pharmacies, would you look 18:56:02</p> <p>21 at the area that the pharmacy was in? 18:56:06</p> <p>22 A. Yes. 18:56:09</p> <p>23 Q. Okay. And what information 18:56:11</p> <p>24 would you gather about the area that the 18:56:12</p> <p>25 pharmacy was in? 18:56:14</p>

<p style="text-align: right;">Page 486</p> <p>1 A. So I'd like to clarify. It was 18:56:14</p> <p>2 more so the pharmacy name -- 18:56:22</p> <p>3 Q. Okay. 18:56:23</p> <p>4 A. -- and that would prompt us to 18:56:23</p> <p>5 look through our chargebacks. And if there 18:56:25</p> <p>6 was a nexus of the city and states -- in the 18:56:30</p> <p>7 case of Joe's Pharmacy, if the Google Alert 18:56:32</p> <p>8 said the same city and state as was 18:56:34</p> <p>9 referenced in our chargeback information, we 18:56:37</p> <p>10 knew that there was a correlation. 18:56:40</p> <p>11 Q. Okay. But if it said, for 18:56:41</p> <p>12 example, Joe's Pharmacy in Rocky Top, 18:56:45</p> <p>13 Tennessee, did you go and do any research on 18:56:50</p> <p>14 Rocky Top, Tennessee, other than to verify 18:56:52</p> <p>15 that Joe's Pharmacy was in Rocky Top, 18:56:55</p> <p>16 Tennessee? 18:56:57</p> <p>17 A. At times, yes. 18:56:58</p> <p>18 Q. Okay. And what would prompt 18:56:58</p> <p>19 you to do that? 18:57:01</p> <p>20 A. Some of the media alerts 18:57:01</p> <p>21 contained things like statements that in a 18:57:04</p> <p>22 certain region there was an issue, and so 18:57:09</p> <p>23 then that would prompt us to look at the 18:57:13</p> <p>24 chargebacks by -- in a specific geographic 18:57:15</p> <p>25 area. 18:57:18</p>	<p style="text-align: right;">Page 488</p> <p>1 back and says, "Okay, thank you. I didn't do 18:58:04</p> <p>2 much with them, as Carrie started the project 18:58:06</p> <p>3 and then Jen took it over and just wanted to 18:58:08</p> <p>4 double-check." 18:58:11</p> <p>5 That seems correct with your 18:58:11</p> <p>6 memory? 18:58:13</p> <p>7 A. Yes. 18:58:13</p> <p>8 Q. Okay. And so going back to the 18:58:14</p> <p>9 section of the e-mail where you're talking 18:58:15</p> <p>10 about the amount of hits is correct? 18:58:17</p> <p>11 A. Yes. 18:58:21</p> <p>12 Q. Yes. Okay. 18:58:22</p> <p>13 So when you respond to her 18:58:23</p> <p>14 about we're looking at pharmacy name and 18:58:25</p> <p>15 address, you don't mention physician or 18:58:26</p> <p>16 location, those things we just talked about. 18:58:30</p> <p>17 That's because that short-lived 18:58:32</p> <p>18 initiative had already been terminated by 18:58:34</p> <p>19 that point; is that right? 18:58:37</p> <p>20 MR. O'CONNOR: Objection to 18:58:37</p> <p>21 form. 18:58:38</p> <p>22 THE WITNESS: So the physician 18:58:38</p> <p>23 piece was not part of the program 18:58:42</p> <p>24 then. It was an error of omission in 18:58:45</p> <p>25 the e-mail. We would indeed do 18:58:48</p>
<p style="text-align: right;">Page 487</p> <p>1 Q. Okay. So let's finish up with 18:57:19</p> <p>2 your e-mail here before we move on to the 18:57:24</p> <p>3 next one. 18:57:25</p> <p>4 A. Okay. 18:57:25</p> <p>5 Q. So it says, "Google Alerts are 18:57:26</p> <p>6 scanned quickly for any mention of a pharmacy 18:57:27</p> <p>7 name or address. If none are contained in 18:57:29</p> <p>8 the article, an article is about perhaps new 18:57:33</p> <p>9 legislation or drug takeback initiatives, 18:57:35</p> <p>10 then no further action is taken." 18:57:39</p> <p>11 Did I read that correctly? 18:57:41</p> <p>12 A. Yes. 18:57:41</p> <p>13 Q. Okay. And is that true, if it 18:57:42</p> <p>14 was about legislation or drug takeback 18:57:43</p> <p>15 initiatives, you just skipped over it? 18:57:45</p> <p>16 A. Yes. 18:57:48</p> <p>17 Q. Okay. Is there anything else 18:57:48</p> <p>18 you looked for in those Google Alerts -- 18:57:50</p> <p>19 A. No. 18:57:52</p> <p>20 Q. -- than what we've talked 18:57:53</p> <p>21 about? 18:57:54</p> <p>22 A. No. 18:57:55</p> <p>23 Q. Okay. 18:57:55</p> <p>24 A. No. 18:57:56</p> <p>25 Q. Okay. And then Eileen writes 18:57:58</p>	<p style="text-align: right;">Page 489</p> <p>1 further review if a geographic area 18:58:52</p> <p>2 was mentioned without the benefit of a 18:58:54</p> <p>3 pharmacy name. 18:58:56</p> <p>4 QUESTIONS BY MS. HERZFELD: 18:58:57</p> <p>5 Q. Okay. So if a geographic area 18:58:57</p> <p>6 was mentioned, you would -- 18:58:59</p> <p>7 A. Yes. 18:59:01</p> <p>8 Q. -- but a physician at that 18:59:03</p> <p>9 point was not in the program? 18:59:07</p> <p>10 A. Correct. 18:59:08</p> <p>11 Q. Okay. I just wanted to make 18:59:09</p> <p>12 sure I understood that. Thank you. 18:59:11</p> <p>13 A. You're welcome. 18:59:11</p> <p>14 Q. You can put that aside. 18:59:11</p> <p>15 Have you ever heard the term 18:59:12</p> <p>16 "pillbillies"? 18:59:29</p> <p>17 A. No. 18:59:31</p> <p>18 Q. Have you ever heard of the term 18:59:32</p> <p>19 "blues," referencing Mallinckrodt oxycodone? 18:59:40</p> <p>20 A. Yes. 18:59:43</p> <p>21 Q. Okay. What do you understand 18:59:44</p> <p>22 it to be a term for? 18:59:45</p> <p>23 A. A street name for Mallinckrodt 18:59:46</p> <p>24 oxycodone. 18:59:51</p> <p>25 Q. Okay. And do you know if 18:59:53</p>

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1	that's 15 or 30s? 18:59:55	1	as we would have all the notes that were 19:01:50
2	A. I testified earlier, I'm 18:59:57	2	pertinent, and discussed it relative to 19:01:52
3	certain that the 30s are blue, but I don't 18:59:58	3	suspicious order monitoring. 19:01:55
4	know for certain the color of the 15s. 19:00:00	4	Q. Okay. Do you recall when that 19:01:56
5	Q. Okay. Was there ever any 19:00:03	5	DEA conference was? 19:01:57
6	discussion amongst you and your colleagues 19:00:11	6	A. I do not. 19:01:59
7	about pill mills popping up in Tennessee? 19:00:13	7	Q. Okay. But you think there 19:01:59
8	A. Yes. 19:00:16	8	would have been notes on it? 19:02:01
9	Q. Okay. And who did you have 19:00:19	9	A. I do not know. 19:02:02
10	that discussion with? 19:00:20	10	Q. Okay. And do you recall what 19:02:05
11	A. It would have been the team. 19:00:21	11	they said about Tennessee at that DEA 19:02:08
12	We have a suspicious order monitoring team 19:00:23	12	conference? 19:02:11
13	meeting approximately once a month. 19:00:26	13	A. Yes. 19:02:11
14	Q. Okay. And when did you discuss 19:00:29	14	Q. What did they say? 19:02:12
15	Tennessee? 19:00:31	15	A. The DEA showed an interactive 19:02:13
16	A. I don't have a date. 19:00:31	16	map of the migration of the abuse or misuse 19:02:23
17	Q. Okay. Do you know how many 19:00:34	17	of oxycodone pills emanating from Florida and 19:02:28
18	times you discussed Tennessee? 19:00:34	18	moving throughout different states. 19:02:32
19	A. I do not. 19:00:35	19	Q. Okay. Do you recall anything 19:02:33
20	Q. Okay. Do you know if you 19:00:37	20	else they said about Tennessee? 19:02:41
21	discussed Tennessee recently? 19:00:38	21	A. No. 19:02:42
22	A. I don't recall discussing it 19:00:40	22	Q. Okay. And other than what 19:02:43
23	recently. 19:00:43	23	we've discussed, do you recall any other 19:02:45
24	Q. Okay. Do you know what the 19:00:44	24	conversations substantively about pill mills 19:02:47
25	substance was of the conversations about 19:00:45	25	in Tennessee? 19:02:50
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1	Tennessee? 19:00:47	1	A. No. 19:02:50
2	A. So we looked at chargebacks in 19:00:48	2	Q. Okay. Okay. And I think I 19:02:51
3	a number of ways, Google Alerts 19:00:56	3	might have asked you this question before, so 19:03:12
4	notwithstanding. 19:00:59	4	if I did, just tell me that I did, and I 19:03:16
5	Q. Okay. 19:01:00	5	apologize for asking it before. 19:03:20
6	A. And so the chargeback reports 19:01:00	6	Other than the discussion we 19:03:20
7	were sorted by state, so that would prompt a 19:01:05	7	had talked about, the communication with the 19:03:23
8	review of the distributions by our customers 19:01:11	8	officer from Morristown and you and 19:03:23
9	to end -- end downstream registrants within 19:01:16	9	Mr. Ratliff, have you ever communicated with 19:03:25
10	certain states if the numbers met a certain 19:01:20	10	any other law enforcement from Tennessee? 19:03:27
11	criteria. 19:01:24	11	A. Not to my knowledge. 19:03:28
12	Q. Okay. Okay. I'll get back to 19:01:25	12	Q. Okay. And do you know if 19:03:29
13	that in just one second, the state sorting of 19:01:28	13	anyone on your team ever did? 19:03:31
14	the chargeback data. 19:01:31	14	A. So I'd like to clarify the 19:03:33
15	A. Okay. 19:01:32	15	previous answer. 19:03:34
16	Q. Other than sorting the 19:01:32	16	Q. Sure. 19:03:34
17	chargeback data by state, do you recall any 19:01:34	17	A. So law enforcement officers 19:03:35
18	other substantive conversations about pill 19:01:36	18	from various jurisdictions were members of 19:03:38
19	mills in Tennessee? 19:01:38	19	this National Association of Drug Diversion 19:03:41
20	A. It was mentioned at DEA 19:01:39	20	Investigators. 19:03:44
21	conferences. I don't specifically know which 19:01:42	21	Q. Okay. 19:03:44
22	one. 19:01:44	22	A. And so they came to conferences 19:03:44
23	Q. Okay. 19:01:44	23	with us. 19:03:47
24	A. But we would have brought that 19:01:44	24	Q. Okay. 19:03:47
25	back to the suspicious order monitoring team, 19:01:46	25	A. So I may have had a discussion 19:03:47

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1 with them as a member of law enforcement, 19:03:50
2 particularly if we were speaking at the 19:03:52
3 conference and talking about our placebo 19:03:59
4 program for law enforcement. 19:04:01
5 Q. Okay. But do you recall any 19:04:02
6 specific conversations with anyone from 19:04:04
7 Tennessee? 19:04:05
8 A. No. 19:04:05
9 Q. Okay. And other than that 19:04:06
10 conversation with the law enforcement officer 19:04:08
11 from Morristown about a specific 19:04:09
12 investigation, you don't recall any 19:04:12
13 communications about any other specific 19:04:14
14 investigations within Tennessee that you were 19:04:16
15 involved in? 19:04:18
16 A. No. 19:04:19
17 Q. Okay. Or anybody from your 19:04:19
18 team for that matter? 19:04:21
19 A. So I cannot speak -- I did 19:04:22
20 not -- I wasn't always privy. 19:04:25
21 Q. Okay. 19:04:26
22 A. If our security director, Bill 19:04:27
23 Ratliff, our current vice president of 19:04:31
24 security, John Gillies, was involved in an 19:04:33
25 investigation, but not to my knowledge. 19:04:36

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1 Q. Okay. Okay. And have you ever 19:04:37
2 reported any Tennessee pharmacies to 19:04:41
3 Tennessee law enforcement? 19:04:45
4 A. Not to my knowledge. 19:04:47
5 Q. Okay. Or to federal law 19:04:51
6 enforcement with jurisdiction over Tennessee? 19:04:54
7 A. Well, when we restrict the sale 19:04:57
8 of the processing of chargebacks to 19:05:01
9 pharmacies, that's reported to all 19:05:04
10 distributors and to DEA. 19:05:07
11 Q. Okay. But other than the DEA, 19:05:09
12 you didn't reach out to anybody at the 19:05:10
13 US Attorney's Office for the Eastern District 19:05:12
14 of Tennessee or anything like that? 19:05:14
15 A. No. 19:05:16
16 Q. Okay. Okay. And what about 19:05:16
17 any prescribers? Did you ever report any 19:05:20
18 Tennessee prescribers to any Tennessee law 19:05:22
19 enforcement? 19:05:24
20 A. Not to my knowledge. 19:05:25
21 Q. Okay. What about any Tennessee 19:05:26
22 prescribers to federal law enforcement? 19:05:29
23 A. Not to my knowledge. 19:05:31
24 Q. Okay. Do you know if 19:05:32
25 Mallinckrodt, you were involved at 19:05:39

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1 Mallinckrodt, with any Tennessee pharmacies 19:05:40
2 being reported to the DEA? 19:05:43
3 A. Again, if I researched the 19:05:44
4 chargeback-restricted pharmacies, perhaps, 19:05:50
5 but I would not have had any other 19:05:53
6 conversation than that. 19:05:55
7 Q. Okay. Do you know how many 19:05:55
8 Tennessee pharmacies have been put on 19:06:05
9 chargeback restriction? 19:06:06
10 A. I do not. 19:06:07
11 Q. Okay. 19:06:07
12 A. I'm saying no, I do not, again. 19:06:16
13 (Mallinckrodt-Harper Exhibit 36 19:06:24
14 marked for identification.) 19:06:25
15 QUESTIONS BY MS. HERZFELD: 19:06:25
16 Q. Okay. I'm going to mark this 19:06:25
17 as Plaintiff's Exhibit 36. It's Bates number 19:06:26
18 MNK_TNSTA00609639. 19:06:28
19 That front page is just a 19:06:34
20 placeholder. 19:06:45
21 If you look at the second one, 19:06:46
22 I will represent to you that we have searched 19:06:48
23 the chargeback restriction database and 19:06:51
24 sorted it by Tennessee. The title of the 19:06:53
25 document was "Mallinckrodt chargeback 19:07:01

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1 restriction, underscore, reinstatement list." 19:07:03
2 Are you familiar with a list 19:07:04
3 that's called that? 19:07:05
4 A. Yes. 19:07:06
5 Q. Okay. And are you responsible 19:07:06
6 for creating it? 19:07:07
7 A. No. 19:07:09
8 Q. Are you responsible for 19:07:10
9 maintaining it? 19:07:11
10 A. No. 19:07:11
11 Q. Do you have input into its 19:07:12
12 creation? 19:07:14
13 A. I have input into the 19:07:15
14 chargeback restriction or recisions. 19:07:20
15 Q. Okay. 19:07:22
16 A. And then someone else on our 19:07:22
17 team creates -- maintains the list. 19:07:23
18 Q. Okay. And you have access to 19:07:25
19 the list? 19:07:26
20 A. Yes. 19:07:26
21 Q. Okay. Okay. So looking at 19:07:27
22 this list, does it look like that is what it 19:07:28
23 is, Mallinckrodt chargeback restriction and 19:07:29
24 reinstatement list? 19:07:34
25 A. Yes. 19:07:35

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<p>1 Q. And it shows one, two, three, 19:07:35</p> <p>2 four, five, six, seven, eight, it looks like, 19:07:42</p> <p>3 eight pharmacies that are on that list. 19:07:50</p> <p>4 Does that look correct to you? 19:07:52</p> <p>5 A. Yes. 19:07:53</p> <p>6 Q. Okay. And of that chargeback 19:07:55</p> <p>7 list, it looks like five were reinstated; is 19:08:11</p> <p>8 that correct? 19:08:14</p> <p>9 A. Yes. 19:08:14</p> <p>10 Q. Okay. And if there were 19:08:15</p> <p>11 pharmacies that were put on chargeback 19:08:18</p> <p>12 restriction in Tennessee, they would appear 19:08:19</p> <p>13 on this list; is that right? 19:08:21</p> <p>14 A. I'm assuming that the sort is 19:08:22</p> <p>15 correct, but given that, yes, they would be 19:08:25</p> <p>16 on this list. 19:08:27</p> <p>17 Q. Okay. And each one of these 19:08:28</p> <p>18 pharmacies that were put on chargeback 19:08:31</p> <p>19 restriction would have been reported to the 19:08:32</p> <p>20 DEA? 19:08:34</p> <p>21 A. Yes. 19:08:34</p> <p>22 Q. Okay. You can set that one 19:08:35</p> <p>23 aside, please, ma'am. 19:08:38</p> <p>24 Ma'am, was someone on your team 19:09:12</p> <p>25 responsible for checking with the Tennessee 19:09:14</p>	<p>1 Google Alerts and other information, you were 19:10:52</p> <p>2 aware that doctors were being arrested in 19:10:54</p> <p>3 Tennessee for improperly prescribing 19:10:57</p> <p>4 oxycodone; is that correct? 19:11:01</p> <p>5 A. Yes. 19:11:02</p> <p>6 Q. Okay. And based on those 19:11:07</p> <p>7 Google Alerts and other information, you also 19:11:10</p> <p>8 knew that some pharmacies were filling 19:11:11</p> <p>9 improper prescriptions in Tennessee for 19:11:14</p> <p>10 oxycodone; is that correct? 19:11:16</p> <p>11 MR. O'CONNOR: Objection to 19:11:17</p> <p>12 form. 19:11:18</p> <p>13 THE WITNESS: Yes. 19:11:18</p> <p>14 QUESTIONS BY MS. HERZFELD: 19:11:19</p> <p>15 Q. Okay. Okay. And when you 19:11:19</p> <p>16 talked earlier about chargeback data, I just 19:11:22</p> <p>17 want to make sure I understand that a little 19:11:24</p> <p>18 bit. 19:11:27</p> <p>19 You can sort chargeback data in 19:11:27</p> <p>20 all sorts of different ways, right? 19:11:29</p> <p>21 A. Yes. 19:11:30</p> <p>22 Q. Okay. So you can sort it, I 19:11:30</p> <p>23 think we talked about, by state; is that 19:11:32</p> <p>24 correct? 19:11:35</p> <p>25 A. Yes. 19:11:35</p>
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<p>1 boards of medical examiners or the Tennessee 19:09:16</p> <p>2 Board of Pharmacy about specific pharmacies? 19:09:19</p> <p>3 A. John Gillies, our vice 19:09:23</p> <p>4 president of security, may have done that, 19:09:30</p> <p>5 but I don't know -- he's retired from the 19:09:33</p> <p>6 FBI, so he had different resources than the 19:09:39</p> <p>7 rest of the team. And some of his 19:09:42</p> <p>8 contributions to the team we didn't under -- 19:09:45</p> <p>9 know his methodology or have that pathway. 19:09:51</p> <p>10 Q. Okay. But to your knowledge, 19:09:55</p> <p>11 he didn't routinely -- nobody routinely 19:09:56</p> <p>12 checked with the various state boards of 19:10:00</p> <p>13 licensing for pharmacies to find out what's 19:10:03</p> <p>14 going on with pharmacies in a particular 19:10:05</p> <p>15 state? 19:10:08</p> <p>16 MR. O'CONNOR: Object to form. 19:10:09</p> <p>17 THE WITNESS: Correct. 19:10:09</p> <p>18 QUESTIONS BY MS. HERZFELD: 19:10:10</p> <p>19 Q. And what about the doctor 19:10:10</p> <p>20 licensing boards for each state? Was there 19:10:12</p> <p>21 routine audit of the doctor licensing boards 19:10:14</p> <p>22 of each state within your team, to your 19:10:17</p> <p>23 knowledge? 19:10:20</p> <p>24 A. Not to my knowledge. 19:10:20</p> <p>25 Q. Okay. And based on those 19:10:21</p>	<p>1 Q. Okay. And can you sort it by 19:11:36</p> <p>2 time -- various time periods? 19:11:39</p> <p>3 A. Yes. 19:11:41</p> <p>4 Q. Okay. And can you sort it by 19:11:42</p> <p>5 ZIP code? 19:11:44</p> <p>6 A. Yes. 19:11:45</p> <p>7 Q. Okay. And you can sort it by 19:11:46</p> <p>8 per capita? 19:11:49</p> <p>9 MR. O'CONNOR: Objection to 19:11:51</p> <p>10 form. 19:11:53</p> <p>11 THE WITNESS: We did that for a 19:11:53</p> <p>12 period of time. 19:11:55</p> <p>13 QUESTIONS BY MS. HERZFELD: 19:11:57</p> <p>14 Q. Okay. 19:11:57</p> <p>15 A. We know -- I don't believe that 19:11:58</p> <p>16 we currently use the per capita information. 19:11:59</p> <p>17 Q. Okay. Do you know when you 19:12:01</p> <p>18 stopped using the per capita information? 19:12:03</p> <p>19 A. I'm so sorry, I do not. 19:12:05</p> <p>20 Q. Okay. Do you know why you 19:12:08</p> <p>21 stopped using the per capita information? 19:12:08</p> <p>22 A. I do not. 19:12:10</p> <p>23 Q. Okay. And you can sort it by 19:12:15</p> <p>24 pharmacies; is that correct? 19:12:16</p> <p>25 A. Yes. 19:12:17</p>

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<p>1 Q. Okay. And I think you said 19:12:17</p> <p>2 before if you wanted to, and for a period of 19:12:19</p> <p>3 time you did, monitor physicians via IMS 19:12:23</p> <p>4 data? 19:12:27</p> <p>5 MR. O'CONNOR: Objection. 19:12:27</p> <p>6 THE WITNESS: Yes. 19:12:28</p> <p>7 (Mallinckrodt-Harper Exhibit 37 19:13:25</p> <p>8 marked for identification.) 19:13:26</p> <p>9 QUESTIONS BY MS. HERZFELD: 19:13:26</p> <p>10 Q. Okay. Ms. Harper, I am going 19:13:27</p> <p>11 to mark you -- hand you what we will mark as 19:13:31</p> <p>12 plaintiff's next exhibit, which is number 37. 19:13:33</p> <p>13 For the record, it's 19:13:37</p> <p>14 MNK_TNSTA05340154. It is a two-page 19:13:43</p> <p>15 document. 19:13:50</p> <p>16 You want to start from the back 19:14:01</p> <p>17 forward. Oh, you've got it. Good. Very 19:14:02</p> <p>18 good. 19:14:04</p> <p>19 A. Yes, ma'am. 19:14:04</p> <p>20 Q. Great. Thank you. 19:14:05</p> <p>21 And take your time. Read 19:14:07</p> <p>22 through it. 19:14:11</p> <p>23 MR. O'CONNOR: Counsel, can we 19:14:39</p> <p>24 go off the record for a minute? 19:14:41</p> <p>25 MS. HERZFELD: Sure. 19:14:42</p>	<p>1 Do you know why Tennessee was 19:16:00</p> <p>2 one of those states? 19:16:01</p> <p>3 A. So our program monitors all 19:16:02</p> <p>4 states, all 50 states. 19:16:08</p> <p>5 Q. Okay. But at some point were 19:16:10</p> <p>6 Kentucky, Tennessee, Ohio, Florida and Texas 19:16:12</p> <p>7 singled out for specific review? 19:16:20</p> <p>8 A. I don't recall. 19:16:22</p> <p>9 (Mallinckrodt-Harper Exhibit 38 19:16:22</p> <p>10 marked for identification.) 19:16:59</p> <p>11 QUESTIONS BY MS. HERZFELD: 19:16:59</p> <p>12 Q. Okay. I'm going to hand you 19:16:22</p> <p>13 what we will mark as Plaintiff's Exhibit 38. 19:16:57</p> <p>14 It's MNK_TNSTA05337163. 19:17:00</p> <p>15 Okay. And is this an e-mail 19:17:07</p> <p>16 that you sent on May 13, 2011? 19:17:36</p> <p>17 A. Yes. 19:17:40</p> <p>18 Q. Okay. And with it, it looks 19:17:43</p> <p>19 like the attachments are oxy percentage of 19:17:45</p> <p>20 sales by dist state master spreadsheet and 19:17:48</p> <p>21 hydro percentage of sales by state master 19:17:52</p> <p>22 spreadsheet. 19:17:55</p> <p>23 Do you see where I'm at? 19:17:55</p> <p>24 A. Yes. 19:17:56</p> <p>25 Q. Okay. And it says, "Georgia 19:17:57</p>
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<p>1 VIDEOGRAPHER: We are going off 19:14:43</p> <p>2 the record at 7:14 p.m. 19:14:44</p> <p>3 (Off the record at 7:14 p.m.) 19:14:46</p> <p>4 VIDEOGRAPHER: We are back on 19:15:26</p> <p>5 the record at 7:15 p.m. 19:15:27</p> <p>6 MR. O'CONNOR: And, Counsel, as 19:15:29</p> <p>7 we discussed, I'm going to object to 19:15:30</p> <p>8 the use of this document. It appears 19:15:33</p> <p>9 to be protected by the attorney-client 19:15:34</p> <p>10 privilege and was inadvertently 19:15:37</p> <p>11 produced, and we'll be making a 19:15:37</p> <p>12 clawback request to retrieve the 19:15:39</p> <p>13 document. 19:15:40</p> <p>14 MS. HERZFELD: Okay. And we'll 19:15:41</p> <p>15 discuss it at a later time. 19:15:43</p> <p>16 I just have one question for 19:15:44</p> <p>17 you, ma'am. 19:15:46</p> <p>18 QUESTIONS BY MS. HERZFELD: 19:15:46</p> <p>19 Q. Do you know if Tennessee was a 19:15:47</p> <p>20 state that was specifically being monitored 19:15:47</p> <p>21 as one of a number of states by Mallinckrodt 19:15:51</p> <p>22 for high volume oxycodone sales? 19:15:54</p> <p>23 A. Yes. 19:15:57</p> <p>24 Q. Okay. Thank you very much. 19:15:57</p> <p>25 You can move that aside. 19:15:59</p>	<p>1 has been added to the statistics per Pat's 19:18:00</p> <p>2 request." 19:18:03</p> <p>3 Did I read that correctly? 19:18:03</p> <p>4 A. Yes. 19:18:04</p> <p>5 Q. Who's Pat? 19:18:04</p> <p>6 A. She's one of our attorneys. 19:18:04</p> <p>7 Q. Okay. And you know 19:18:07</p> <p>8 Tennessee -- if you'll look with me to the 19:18:11</p> <p>9 second page, you'll see a chart that talks 19:18:13</p> <p>10 about the personnel of hydrocodone sales in 19:18:24</p> <p>11 Tennessee from 10/2007 till 2/1/2011. 19:18:25</p> <p>12 Do you see where I'm at? 19:18:31</p> <p>13 A. Yes. 19:18:32</p> <p>14 Q. Okay. Do you know why the 19:18:33</p> <p>15 percentage of hydrocodone sales were being 19:18:34</p> <p>16 monitored in Tennessee? 19:18:36</p> <p>17 A. So I'd like to note, please, 19:18:37</p> <p>18 from where this graph came. Was it part of 19:18:42</p> <p>19 this packet? 19:18:45</p> <p>20 Q. I believe so, yes, ma'am. I 19:18:47</p> <p>21 didn't create it. 19:18:49</p> <p>22 A. Okay. All right. 19:18:50</p> <p>23 So will you please repeat the 19:18:52</p> <p>24 question? Sorry. 19:18:54</p> <p>25 Q. Sure. That's okay. 19:18:55</p>

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1	Do you know why the percentage	19:18:56	1 through March of 2011; is that right?
2	of hydrocodone sales were being monitored in	19:18:57	2 A. Yes.
3	Tennessee by Mallinckrodt?	19:18:59	3 Q. Okay. And then on page 11, the
4	A. I do not know.	19:19:00	4 state is?
5	Q. Okay. But they were?	19:19:01	5 A. Georgia.
6	A. Yes.	19:19:03	6 Q. Okay. And those are the only
7	Q. Okay. And it was not	19:19:04	7 states that were included in this handout.
8	necessarily all 50 states that were pulled	19:19:07	8 So do you know if there was
9	out for these specific looks?	19:19:09	9 a -- do you know why those states were
10	A. I do not know that.	19:19:11	10 particularly singled out to have these
11	Q. Okay. Let's go through and	19:19:12	11 reports run?
12	look.	19:19:13	12 A. I do not.
13	So after this chart that you're	19:19:14	13 Q. Okay. Was there anything about
14	on, if you'll flip with me to the next page,	19:19:16	14 opioid sales to these states that was of
15	it says page 1 at the bottom?	19:19:18	15 note?
16	A. Yes.	19:19:20	16 A. No. And unfortunately I
17	Q. Okay. So looking at hydro	19:19:20	17 don't -- I don't understand -- I don't recall
18	sales here, it looks like we're looking at	19:19:22	18 this report --
19	the state of?	19:19:25	19 Q. Okay.
20	A. Florida.	19:19:26	20 A. -- and I don't understand this
21	Q. Okay. And two pages later, the	19:19:27	21 unit of measure, this percentage.
22	one that says page 3, it looks like we're	19:19:32	22 Q. Okay.
23	looking at the state of?	19:19:35	23 A. I just don't understand what
24	A. Oh, I'm sorry. Texas.	19:19:36	24 this page is telling --
25	Q. Okay.	19:19:36	25 Q. Okay.
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1	A. Yes.	19:19:39	1 A. -- me.
2	Q. Okay. And flip two more pages	19:19:40	2 Q. But you don't doubt that you
3	with me to page 5.	19:19:42	3 sent the e-mail with the attachments?
4	Okay. And that is the state	19:19:44	4 A. No, I don't doubt it.
5	of?	19:19:45	5 Q. Okay. Okay. So flipping
6	A. Ohio.	19:19:46	6 through to the next one, kind of leaving
7	Q. Okay. Keep flipping.	19:19:46	7 where we -- stopping where we left off and
8	Page 7. That's the state of?	19:19:49	8 going back to where we were, if you'll just
9	A. Kentucky.	19:19:52	9 keep going.
10	Q. Okay. And this is -- looks	19:19:54	10 A. What page? Keep going?
11	like the percentage of hydro sales by	19:19:55	11 Q. Uh-huh. I can help you out if
12	distributor; is that right?	19:19:57	12 you want.
13	A. Yes.	19:19:58	13 A. Okay, certainly.
14	Q. Okay. Keep flipping.	19:19:59	14 Q. Yeah. Yeah. Make it a little
15	Page 9, and the state there is?	19:20:01	15 easier for you. Keep you from paper cuts.
16	A. Tennessee.	19:20:05	16 There we go.
17	Q. Tennessee. There we go.	19:20:06	17 Okay. And then so -- then on
18	And that is the percentage of	19:20:08	18 this chart, it looks like the second
19	sales by distributor on that chart; is that	19:20:09	19 attachment there is the percentage of
20	correct?	19:20:15	20 oxycodone sales for Tennessee.
21	A. Yes, the chart states that.	19:20:15	21 Do you see that?
22	Q. Okay. And the chart appears to	19:20:20	22 A. Yes.
23	monitor this information from October 2007	19:20:21	23 Q. And that's broken down by
24	through March of 2010 on this page going	19:20:24	24 distributor from 10/1/2007 till 10/1/2011; is
25	through to the second page, all the way	19:20:27	25 that right?

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1	A. Yes. 19:22:02	1	Q. Do you know if they're located 19:24:13
2	Q. Okay. And I will posit to you, 19:22:02	2	in Miami? 19:24:14
3	and if we flip through, it's the same charts 19:22:06	3	A. I don't know. 19:24:15
4	breaking down the percentage of oxycodone to 19:22:09	4	Q. Okay. Flipping to the third 19:24:17
5	various states by distributor for Florida, 19:22:13	5	page that says MNK-T1_0007026595. State 19:24:19
6	Texas, Ohio, Kentucky, Tennessee and Georgia, 19:22:18	6	ranking for hydrocodone, total dosage units 19:24:26
7	those same states. 19:22:33	7	sold to retail, January 1, 2010, through 19:24:30
8	Does that look to be correct? 19:22:35	8	December 31, 2011. 19:24:34
9	MR. O'CONNOR: You can answer 19:22:39	9	Do you see where I'm at? 19:24:35
10	the question. 19:22:39	10	A. Yes. 19:24:36
11	THE WITNESS: Yes. 19:22:40	11	Q. Could you tell me what number 19:24:37
12	QUESTIONS BY MS. HERZFELD: 19:22:40	12	Tennessee is, ma'am? 19:24:38
13	Q. Okay. Yes? 19:22:41	13	A. Tennessee is the third ranking. 19:24:39
14	MR. O'CONNOR: Counsel, since 19:22:42	14	Q. Okay. Great. Thank you very 19:24:46
15	we just finished that page, I notice 19:22:43	15	much. 19:24:47
16	there appears to be an unrelated 19:22:45	16	And the next page, state 19:24:47
17	document attached to the back. 19:22:47	17	ranking for oxycodone. This one ends with 19:24:49
18	MS. HERZFELD: I do see that. 19:22:48	18	6596. Total dosage units sold to retail on 19:24:56
19	I do. That's interesting. 19:22:50	19	January 1, 2010, through December 31, 2011. 19:25:03
20	Okay. Let's pull off this 19:22:51	20	And do you see that what number 19:25:07
21	unrelated document, because I think 19:22:55	21	Tennessee is on this list, ma'am? 19:25:08
22	that's supposed to be separate. 19:22:55	22	A. It is -- I have a question 19:25:10
23	My apologies for having some 19:22:59	23	about the document, please. 19:25:11
24	exhibit problems today. You can tell 19:23:01	24	Q. Sure. 19:25:12
25	I'm having exhibit problems today. 19:23:04	25	A. This says Drug Enforcement 19:25:12
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1	There we go. Just make this 19:23:07	1	Administration. 19:25:14
2	next one Exhibit 39. 19:23:08	2	Q. Yes, ma'am. 19:25:14
3	(Mallinckrodt-Harper Exhibit 39 19:23:12	3	A. So it's something DEA 19:25:14
4	marked for identification.) 19:23:12	4	published. 19:25:16
5	MS. HERZFELD: And for those in 19:23:17	5	Q. Okay. 19:25:16
6	the cheap seats, it's 19:23:18	6	A. So that would include, am I 19:25:17
7	MNK-T1_0007026593. 19:23:22	7	correct, all manufacturers of all products? 19:25:19
8	Thank you for pointing that 19:23:27	8	Q. Ma'am, you're the one who 19:25:22
9	out, Andrew. 19:23:29	9	forwarded this, so I wouldn't know. 19:25:24
10	MR. O'CONNOR: You're welcome. 19:23:31	10	A. Oh, we did? 19:25:25
11	QUESTIONS BY MS. HERZFELD: 19:23:32	11	Q. Yeah, I'm going to back up. 19:25:27
12	Q. Okay. So looking at this next 19:23:36	12	Okay. Let me ask this question first, and 19:25:29
13	document, this is an e-mail that you sent to 19:23:38	13	then we'll back up so you clarify that. 19:25:30
14	Anthony Rattini on 10/14/2013; is that 19:23:40	14	A. Okay. 19:25:32
15	correct? 19:23:45	15	Q. So what number is Tennessee on 19:25:32
16	A. Yes. 19:23:45	16	this state ranking for oxycodone in 2011? 19:25:34
17	Q. Okay. And who is Anthony 19:23:47	17	A. Number 9. 19:25:38
18	Rattini? 19:23:58	18	Q. Okay. And in 2000 -- okay. 19:25:39
19	A. He is, or was, a representative 19:23:58	19	Great. Thank you. 19:25:49
20	we spoke to at Miami-Luken. 19:24:03	20	A. Okay. 19:25:49
21	Q. And Miami-Luken is what? 19:24:06	21	Q. Okay. Now going back to what I 19:25:49
22	A. It's a distributor. 19:24:09	22	think what was your concern. If you back to 19:25:50
23	Q. Okay. And do you know where 19:24:10	23	the very first page, which was the e-mail. 19:25:53
24	they're located? 19:24:12	24	If you read the e-mail, it's an 19:25:55
25	A. I do not. 19:24:12	25	e-mail from you, right? 19:25:56

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1	A. Yes.	19:25:57	1	MR. O'CONNOR: Objection to	19:28:07
2	Q. Okay. It says, "Hi, Tony. It	19:25:58	2	form.	19:28:08
3	was very good to speak with you today, and	19:26:02	3	THE WITNESS: So we reviewed	19:28:08
4	I'm looking forward to finally meeting you in	19:26:03	4	all the data for all the states, so it	19:28:09
5	person next week at the DEA conference. The	19:26:05	5	was among those that were of concern.	19:28:13
6	first PDF attached was pulled from the DEA	19:26:06	6	QUESTIONS BY MS. HERZFELD:	19:28:16
7	web page USDOJ.gov, a recent presentation	19:26:10	7	Q. Okay. And why was that of	19:28:16
8	made to HDMA as indicated below. The second	19:26:13	8	concern?	19:28:18
9	PDF was extracted from DEA web page also,	19:26:17	9	A. So which charts are we talking	19:28:18
10	registrant population information pharmacy	19:26:19	10	about, these last ones from DEA?	19:28:21
11	registrations."	19:26:22	11	Q. Yes.	19:28:23
12	Did I read that correctly?	19:26:22	12	A. So I'd like to add that since	19:28:24
13	A. Yes.	19:26:23	13	these were from DEA, all manufacturers -- and	19:28:29
14	Q. Okay. So it looks like you	19:26:23	14	there were certain areas of the country that	19:28:33
15	attached both of these as attachments to the	19:26:25	15	Mallinckrodt may have had zero of the market.	19:28:35
16	e-mail you sent to Mr. Rattini; is that	19:26:28	16	There are other hydrocodone manufacturers and	19:28:39
17	correct?	19:26:31	17	oxycodone manufacturers. So, yes, we studied	19:28:42
18	A. Yes.	19:26:31	18	these graphs as a tool within our program,	19:28:45
19	Q. Okay. And what is HDMA?	19:26:32	19	yes.	19:28:48
20	A. It's Healthcare Distribution	19:26:40	20	Q. Okay. But if we go back to,	19:28:48
21	Management Association.	19:26:44	21	let's see, this one, I think. Yeah,	19:28:51
22	Q. Okay. Okay. Moving on. You	19:26:44	22	Exhibit 35.	19:28:59
23	can get rid of that one.	19:26:55	23	You agreed with me before that	19:28:59
24	Okay. Was Mallinckrodt	19:26:57	24	one of the states that Mallinckrodt was	19:29:01
25	concerned about the number of opioids that it	19:27:14	25	monitoring was Tennessee; is that right?	19:29:02
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1	was shipping to Tennessee?	19:27:16	1	A. Yes. Yes.	19:29:03
2	MR. O'CONNOR: Objection to	19:27:18	2	Q. Okay. And so based on	19:29:03
3	form.	19:27:19	3	Mallinckrodt's own documentation here in	19:29:05
4	THE WITNESS: It's a broad	19:27:20	4	Exhibit 35, you were monitoring Tennessee	19:29:08
5	question, so can you -- I'm sorry, I	19:27:26	5	specifically for opioid sales; is that	19:29:12
6	can't answer.	19:27:30	6	correct?	19:29:15
7	QUESTIONS BY MS. HERZFELD:	19:27:30	7	A. Yes.	19:29:15
8	Q. Sure. Okay. I'll try to --	19:27:31	8	Q. Okay. Okay. You can set that	19:29:19
9	I'll try to narrow it a little bit.	19:27:34	9	aside.	19:29:22
10	It looks like Tennessee,	19:27:35	10	(Mallinckrodt-Harper Exhibit 40	19:29:29
11	according to some of the charts we've seen,	19:27:37	11	marked for identification.)	19:29:30
12	has been at the higher level of numbers of	19:27:38	12	QUESTIONS BY MS. HERZFELD:	19:29:30
13	opioids being shipped to it; is that correct?	19:27:43	13	Q. Okay. I'm going to hand you	19:29:30
14	MR. O'CONNOR: Objection to	19:27:45	14	what we'll mark as Exhibit 40. And this is	19:29:33
15	form.	19:27:46	15	MNK_TNSTA05126722 through 6735. It's front	19:29:39
16	THE WITNESS: Yes.	19:27:46	16	and back document.	19:29:53
17	QUESTIONS BY MS. HERZFELD:	19:27:47	17	That type is very, very small,	19:29:55
18	Q. Okay. And was that concerning	19:27:48	18	so we'll read through it together if you	19:30:24
19	to Mallinckrodt, that Tennessee was -- or	19:27:49	19	don't mind.	19:30:28
20	concerning to you? Was that concerning --	19:27:52	20	So the one that says page 1,	19:30:29
21	strike that.	19:27:54	21	let's start there. Okay.	19:30:30
22	Was it concerning to you in	19:27:54	22	At the very top line under	19:30:33
23	your position at Mallinckrodt that Tennessee	19:27:58	23	where it says A, B and C, what is the title	19:30:34
24	was amongst the higher numbers for opioid	19:28:00	24	there? Do you see it, line 1?	19:30:37
25	sales by Mallinckrodt?	19:28:05	25	A. Yes.	19:30:39

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<p>1 Q. What is it? 19:30:39</p> <p>2 A. 30-milligram oxy, sum of sales, 19:30:40</p> <p>3 dosage units by state. 19:30:45</p> <p>4 Q. Okay. So looking at that, it 19:30:46</p> <p>5 looks like Mallinckrodt was tracking the 19:30:49</p> <p>6 oxy 30 sales by state in 2009, 2010 and 2011; 19:30:51</p> <p>7 is that correct? 19:30:58</p> <p>8 A. I see 2010 and I see 2000 -- 19:30:58</p> <p>9 2011. I don't see 2009 on the chart. 19:31:14</p> <p>10 Q. Okay. I'll show you right 19:31:16</p> <p>11 here. 19:31:17</p> <p>12 A. Okay. 19:31:17</p> <p>13 Q. Right under B? 19:31:18</p> <p>14 A. Okay. I see it now, thank you, 19:31:25</p> <p>15 yes. 19:31:26</p> <p>16 Q. 2009, 2010, 2011. 19:31:26</p> <p>17 A. Yeah. 19:31:26</p> <p>18 Q. Okay. And what number is 19:31:29</p> <p>19 Tennessee on this list? 19:31:30</p> <p>20 A. This list indicates -- 19:31:31</p> <p>21 Tennessee is seventh listed, but this is by 19:31:46</p> <p>22 sales dollars, am I correct, not dosage 19:31:51</p> <p>23 units? 19:31:54</p> <p>24 Q. It says -- it says sum of sales 19:31:54</p> <p>25 dosage units by state, so... 19:31:56</p>	<p>1 me, please? 19:32:54</p> <p>2 A. Yes. 42 percent. 19:32:56</p> <p>3 Q. Okay. And then 2011 increase? 19:32:57</p> <p>4 A. 11 percent. 19:33:00</p> <p>5 Q. Okay. And then going over 19:33:03</p> <p>6 exactly -- stay on that exact line and go 19:33:05</p> <p>7 over one, and then we're at 15-milligram oxy, 19:33:07</p> <p>8 sum of sales dosage units by state. And 19:33:11</p> <p>9 we're still at number 7 here, Tennessee. 19:33:13</p> <p>10 Do you see that? 19:33:16</p> <p>11 A. I'd like to use a piece of 19:33:17</p> <p>12 paper -- 19:33:18</p> <p>13 Q. Yeah, sure. It will certainly 19:33:18</p> <p>14 make it easier. 19:33:20</p> <p>15 A. I'm sorry. I just had eye 19:33:21</p> <p>16 surgery. I'm sorry. 19:33:26</p> <p>17 Q. For sure. And I'm not trying 19:33:28</p> <p>18 to make this difficult on you. 19:33:30</p> <p>19 A. Okay. I'm on line 7. 19:33:31</p> <p>20 Q. Okay. And so it shows the 15 19:33:33</p> <p>21 on line 7. Then it says percentage of grand 19:33:35</p> <p>22 total there under Q4, .49 percent; is that 19:33:37</p> <p>23 right? 19:33:41</p> <p>24 A. Yes. 19:33:41</p> <p>25 Q. Okay. And then it says units 19:33:42</p>
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<p>1 Okay. So it says Tennessee is 19:32:08</p> <p>2 number 7; is that right? 19:32:11</p> <p>3 A. Yes, it does say that. 19:32:12</p> <p>4 Q. Okay. And then if you go over 19:32:16</p> <p>5 a couple blocks here, it has the various 19:32:17</p> <p>6 numbers. Then it says grand percent total, 19:32:22</p> <p>7 3.64 percent. 19:32:24</p> <p>8 Do you see where that's at? 19:32:26</p> <p>9 A. I'm having a hard time tracking 19:32:28</p> <p>10 you. 19:32:31</p> <p>11 Q. I know, it's so small. 19:32:32</p> <p>12 A. On the chart. 19:32:33</p> <p>13 Q. Do you want to use a piece of 19:32:34</p> <p>14 paper? 19:32:35</p> <p>15 A. Can you give me a column header 19:32:35</p> <p>16 name? 19:32:37</p> <p>17 Q. Uh-huh, sure. Okay. So let's 19:32:39</p> <p>18 look at -- we're at number 7, and G. So 7 G. 19:32:40</p> <p>19 A. Okay. Yes, I see it. 19:32:43</p> <p>20 Q. Okay. And so it says grand 19:32:47</p> <p>21 total percent is 3.64 percent; is that right? 19:32:48</p> <p>22 A. Yes. 19:32:51</p> <p>23 Q. Okay. And then it says 2010 19:32:51</p> <p>24 increase. 19:32:53</p> <p>25 Can you read that next one for 19:32:53</p>	<p>1 per capita, 1.87; is that correct? 19:33:44</p> <p>2 A. Yes. 19:33:47</p> <p>3 Q. Units per capita rank, 19:33:48</p> <p>4 number 5; is that correct? 19:33:52</p> <p>5 A. Yes. 19:33:53</p> <p>6 Q. Population rank, 17. 19:33:54</p> <p>7 And then it goes through the 19:33:58</p> <p>8 census population through 2010, 2000, 1990. 19:34:02</p> <p>9 Do you see that? 19:34:06</p> <p>10 A. Yes. 19:34:07</p> <p>11 Q. I want to make sure I am 19:34:07</p> <p>12 staying on the right line. 19:34:09</p> <p>13 And then it says percentage of 19:34:10</p> <p>14 US total, 2.03 percent. 19:34:12</p> <p>15 Do you see that? 19:34:15</p> <p>16 A. Yes. 19:34:15</p> <p>17 Q. Okay. Then if you go -- follow 19:34:15</p> <p>18 that line all the way to the very end. It 19:34:20</p> <p>19 ranks by density and population, and then it 19:34:22</p> <p>20 says units adjusted for density, 8.85. 19:34:26</p> <p>21 Do you see that? 19:34:30</p> <p>22 A. Yes. 19:34:31</p> <p>23 Q. Okay. And did you create this 19:34:33</p> <p>24 chart? 19:34:35</p> <p>25 A. I did not. I don't understand 19:34:35</p>

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1	it. I did not. 19:34:38	1	A. Well, I do not. 19:36:06
2	Q. Okay. 19:34:39	2	Q. Okay. Okay. You can set it 19:36:14
3	A. No. 19:34:39	3	aside. Thank you. 19:36:15
4	Q. Does it appear to be on 19:34:39	4	MR. O'CONNOR: Counsel, as 19:36:19
5	monitoring chargeback data by state and 19:34:42	5	we're getting close to the end here, 19:36:19
6	population? 19:34:45	6	maybe it's time to take a break. I 19:36:21
7	A. I don't know. It's monitoring 19:34:45	7	think we've been going at it for quite 19:36:25
8	by state and by population, but, again, is it 19:34:54	8	a while. 19:36:27
9	dosage units or dollars. I don't know the 19:34:58	9	MS. HERZFELD: How long have I 19:36:28
10	units of measure for certain. 19:35:02	10	been going? 19:36:28
11	Q. Okay. But other than that, not 19:35:04	11	VIDEOGRAPHER: A little over an 19:36:28
12	knowing what the unit of measure is, you 19:35:06	12	hour. Hour and ten minutes. 19:36:28
13	recognize this as chargeback data by state 19:35:09	13	MS. HERZFELD: Oh, we can take 19:36:28
14	and population? 19:35:11	14	a break, yeah, but -- yeah, sure, 19:36:28
15	A. I don't recognize where the 19:35:13	15	okay. Yeah, we can take a break. 19:36:28
16	data came from, I'm sorry. 19:35:17	16	VIDEOGRAPHER: We are going off 19:36:33
17	Q. Okay. 19:35:18	17	the record at 7:36 p.m. 19:36:34
18	A. I just don't. 19:35:18	18	(Off the record at 7:36 p.m.) 19:36:35
19	Q. So have you seen this chart 19:35:19	19	VIDEOGRAPHER: We are back on 19:45:27
20	before? 19:35:21	20	the record at 7:45 p.m. 19:45:28
21	A. No. 19:35:21	21	QUESTIONS BY MS. HERZFELD: 19:45:30
22	Q. Have you -- did you have 19:35:22	22	Q. Okay. Great. 19:45:30
23	reports run like this before? 19:35:24	23	Ms. Harper, we're back on the 19:45:31
24	A. No. 19:35:26	24	record after a quick break. I have a couple 19:45:34
25	Q. Do you know if anybody on your 19:35:26	25	more questions for you. Hopefully we'll get 19:45:37
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1	team did? 19:35:27	1	you out of here relatively quickly. 19:45:39
2	A. I do not know. 19:35:28	2	I'm done with that exhibit, so 19:45:41
3	Q. Okay. When you save things on 19:35:31	3	you can set it aside. 19:45:43
4	a computer in your team back in 2010, 2011, 19:35:34	4	I have a question about the 19:45:45
5	would you have a share drive? 19:35:38	5	branded side of Mallinckrodt. 19:45:51
6	A. Yes. 19:35:40	6	Did you deal at all with them? 19:45:52
7	Q. Okay. Would it have certain 19:35:40	7	A. On a fairly limited basis. 19:45:54
8	folders in it? 19:35:43	8	Q. Okay. And what was your 19:45:56
9	A. Yes. 19:35:43	9	involvement with the branded side? 19:45:58
10	Q. You put stuff in a folder? 19:35:44	10	A. Only to the extent that they 19:46:00
11	Was there a folder for 19:35:45	11	sold branded products that were narcotics. 19:46:06
12	suspicious order monitoring? 19:35:47	12	Q. Okay. So like Exalgo or 19:46:10
13	A. Yes, and I do see the title. 19:35:47	13	Xartemis? 19:46:13
14	Q. Yes, ma'am. 19:35:49	14	A. Yes. 19:46:15
15	A. I see that. 19:35:50	15	Q. Okay. And so I'm going to ask 19:46:15
16	Q. Uh-huh. 19:35:51	16	you some questions about that just to figure 19:46:18
17	A. And certainly I can read it, 19:35:52	17	out if there's -- what your role is. 19:46:19
18	but I -- I don't recall seeing or utilizing 19:35:54	18	Okay? 19:46:20
19	this spreadsheet or requesting this 19:35:58	19	A. Okay. 19:46:21
20	spreadsheet, although I do see that the file 19:36:00	20	Q. So the branded side had target 19:46:22
21	name indicates that. 19:36:02	21	pharmacy lists; is that correct? 19:46:26
22	Q. Okay. 19:36:03	22	A. I don't know. 19:46:27
23	A. Yes. 19:36:03	23	Q. Okay. Were you ever involved 19:46:28
24	Q. Do you have any reason to think 19:36:04	24	in reviewing target pharmacy lists from the 19:46:30
25	that it's not accurate? 19:36:05	25	branded sided? 19:46:33

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<p>1 A. So I'm going to -- I'm going to 19:46:34</p> <p>2 clarify my previous answer. 19:46:36</p> <p>3 Q. Sure. 19:46:37</p> <p>4 A. Because, yes, I believe they 19:46:39</p> <p>5 had -- I don't know what they were called -- 19:46:42</p> <p>6 Q. Okay. 19:46:42</p> <p>7 A. -- but they -- did you say 19:46:44</p> <p>8 pharmacies? 19:46:45</p> <p>9 Q. Yes, ma'am. 19:46:45</p> <p>10 A. I'm not certain about that. 19:46:46</p> <p>11 Q. Okay. What about physicians? 19:46:48</p> <p>12 A. Yes. 19:46:49</p> <p>13 Q. Okay. 19:46:50</p> <p>14 A. Yes. Yes. 19:46:50</p> <p>15 Q. And do you -- what was your 19:46:51</p> <p>16 involvement in reviewing those target 19:46:54</p> <p>17 physician lists? 19:46:56</p> <p>18 A. When we had -- when we were 19:46:57</p> <p>19 using the top prescriber list from the IMS 19:47:02</p> <p>20 data, we would vet that against the speakers 19:47:06</p> <p>21 list. 19:47:13</p> <p>22 Q. Okay. And what's the speakers 19:47:13</p> <p>23 list? 19:47:18</p> <p>24 A. Those were speakers that -- and 19:47:18</p> <p>25 I don't know very much about the program, but 19:47:21</p>	<p>1 Q. Okay. And top prescribers for 19:48:27</p> <p>2 Mallinckrodt products, those prescriptions 19:48:31</p> <p>3 could have been legitimate; is that right? 19:48:32</p> <p>4 A. Yes. 19:48:34</p> <p>5 Q. Okay. And those prescriptions 19:48:35</p> <p>6 also could have been illegitimate? 19:48:37</p> <p>7 A. And I'd like to qualify that. 19:48:40</p> <p>8 Q. Yes, ma'am. 19:48:41</p> <p>9 A. So our top prescriber list -- 19:48:42</p> <p>10 Q. Yes, ma'am. 19:48:44</p> <p>11 A. -- I don't know if that was 19:48:45</p> <p>12 exclusive to Mallinckrodt product, but it was 19:48:46</p> <p>13 for oxy 15 and oxy 30. 19:48:47</p> <p>14 Q. Okay. So for the folks that 19:48:50</p> <p>15 were the top prescribers of oxy 15 and 19:48:53</p> <p>16 oxy 30, those could be legitimate doctors. 19:48:56</p> <p>17 They could be at the top of the list; is that 19:48:58</p> <p>18 right? 19:49:01</p> <p>19 A. Correct. 19:49:01</p> <p>20 Q. Or those could be people who 19:49:01</p> <p>21 were operating pill mills. They could also 19:49:03</p> <p>22 be at the top of the list? 19:49:05</p> <p>23 A. Potentially, yes. 19:49:06</p> <p>24 Q. Okay. And did Mallinckrodt 19:49:07</p> <p>25 have a way of figuring that out? 19:49:11</p>
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<p>1 that Mallinckrodt employed to speak on our -- 19:47:23</p> <p>2 I don't know -- I don't know the arrangement, 19:47:28</p> <p>3 but they spoke on behalf of Mallinckrodt for 19:47:30</p> <p>4 Mallinckrodt products. But I don't want to 19:47:33</p> <p>5 reach too far into the brands because -- 19:47:34</p> <p>6 okay. 19:47:37</p> <p>7 Q. Okay. As long as I understand 19:47:37</p> <p>8 your answer. 19:47:40</p> <p>9 A. Yeah. 19:47:41</p> <p>10 Q. Okay. And so on -- do you know 19:47:41</p> <p>11 on -- if -- when you looked at those top 19:47:44</p> <p>12 prescriber lists, did you review those at all 19:47:47</p> <p>13 from a suspicious order monitoring 19:47:51</p> <p>14 perspective? 19:47:53</p> <p>15 A. Yes. 19:47:54</p> <p>16 Q. Okay. And what did you do for 19:47:56</p> <p>17 that? 19:47:58</p> <p>18 A. So that is when, in the 19:47:58</p> <p>19 circumstance we spoke about before, if we 19:48:01</p> <p>20 were reviewing a downstream registrant and 19:48:04</p> <p>21 their due diligence with a particular 19:48:10</p> <p>22 pharmacy, if the distributor's file contained 19:48:12</p> <p>23 information about the top prescribers at 19:48:18</p> <p>24 those pharmacies, we would vet that against 19:48:19</p> <p>25 the list of the top prescribers per IMS. 19:48:22</p>	<p>1 A. When we used that list and the 19:49:12</p> <p>2 review with our distributors of their 19:49:18</p> <p>3 downstream registrants, again, if they 19:49:20</p> <p>4 provided us the names of the top prescribers 19:49:22</p> <p>5 at the pharmacy, and if that coincided with 19:49:26</p> <p>6 the top prescriber list we had within the 19:49:29</p> <p>7 country, we would have a detailed 19:49:32</p> <p>8 conversation with the distributor about the 19:49:34</p> <p>9 fact that that prescriber appeared on the 19:49:37</p> <p>10 list. 19:49:40</p> <p>11 Q. So that they were a top 19:49:40</p> <p>12 prescriber? 19:49:43</p> <p>13 A. Yes. 19:49:43</p> <p>14 Q. Okay. Okay. And so do you 19:49:44</p> <p>15 know if anyone from Mallinckrodt sales team 19:49:47</p> <p>16 was supposed to report signs of diversion to 19:49:52</p> <p>17 you? 19:49:58</p> <p>18 A. We spoke before about the NAMs, 19:49:58</p> <p>19 the narcotic -- national account managers. 19:50:00</p> <p>20 Q. Yes, ma'am. 19:50:02</p> <p>21 A. We asked them to be our 19:50:03</p> <p>22 observers, and if they saw anything at any of 19:50:05</p> <p>23 our customers that may appear to be a red 19:50:10</p> <p>24 flag, that they would report to the company. 19:50:11</p> <p>25 Q. Okay. And was that process the 19:50:13</p>

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1 same for the sales team on the branded side? 19:50:15

2 A. Not to my knowledge. 19:50:18

3 Q. Okay. Do you know if there was 19:50:21

4 any sort of suspicious order monitoring 19:50:23

5 training for the sales team on the branded 19:50:25

6 side? 19:50:27

7 A. I'm not certain. 19:50:27

8 Q. Okay. Do you know if you had a 19:50:28

9 counterpart, a suspicious order person, on 19:50:30

10 the branded side? 19:50:35

11 A. Did not. 19:50:36

12 Q. Okay. 19:50:37

13 THE WITNESS: I have a -- I'm 19:50:40

14 looking at the questioner's mouth a 19:50:42

15 lot, and this thing's in my way. Can 19:50:46

16 we scoot it or something? I'm sorry. 19:50:49

17 It's just helping me understand the 19:50:51

18 question. 19:50:53

19 MS. HERZFELD: That was very 19:50:54

20 thoughtful. Thank you. 19:50:58

21 THE WITNESS: Okay. 19:50:59

22 QUESTIONS BY MS. HERZFELD: 19:50:59

23 Q. Did Mallinckrodt have a program 19:51:16

24 or procedure in place to connect problem 19:51:18

25 prescribers and problem pharmacies? 19:51:20

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1 MR. O'CONNOR: Objection to 19:51:22

2 form. 19:51:23

3 THE WITNESS: Only to the 19:51:23

4 extent I previously described. If we 19:51:28

5 were talking to a distributor about 19:51:30

6 their downstream sales, sales to a 19:51:33

7 downstream registrant, and if their 19:51:34

8 due diligence, the distributor's due 19:51:36

9 diligence, files contained a list of 19:51:38

10 top prescribers, we would reference 19:51:39

11 that against our listing of top 19:51:40

12 prescribers within the country. 19:51:43

13 (Mallinckrodt-Harper Exhibit 41 19:52:32

14 marked for identification.) 19:52:34

15 QUESTIONS BY MS. HERZFELD: 19:52:34

16 Q. Okay. I'm going to mark this 19:52:34

17 next one as Exhibit 41. And this is 19:52:35

18 MNK-T1_0007704503. I'm sorry, it's stapled 19:52:39

19 on the bottom. 19:52:47

20 Take a minute to take a look at 19:53:27

21 this list. I'll represent to you that the 19:53:31

22 path it says is -- the file name is DIRJ and 19:53:33

23 pill mill physicians list, 2012, something. 19:53:36

24 It looks like the date it was last modified 19:53:49

25 was 1/16/2012. 19:53:52

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1 Have you seen this list before? 19:53:54

2 A. No. 19:53:55

3 Q. Okay. Do you know of any list 19:53:56

4 that was kept of pill mill physicians? 19:53:59

5 A. No. 19:54:04

6 Q. Okay. Do you know what DIRJ 19:54:05

7 stands for? 19:54:08

8 A. No. 19:54:08

9 Q. Okay. Do you have any idea who 19:54:08

10 I might ask about this document? 19:54:28

11 A. Perhaps someone on the branded 19:54:30

12 side. 19:54:32

13 Q. Okay. You suspect this has 19:54:33

14 something to do with branded, perhaps? 19:54:34

15 A. I suspect that, yes. 19:54:36

16 Q. Okay. Very good then. 19:54:37

17 A. Okay. 19:54:39

18 Q. Set it aside. 19:54:39

19 Oh, you know what? Actually if 19:54:48

20 you'll take it back for one second, it looks 19:54:49

21 like they stapled it all together again. I 19:54:51

22 don't think we have to put it as a separate 19:54:53

23 exhibit. 19:54:54

24 A. So are we still on 41? Is that 19:54:54

25 correct? 19:54:56

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1 Q. We are. 19:54:57

2 If you'll look at the very last 19:54:58

3 page for me, if you flip it over one, I'll 19:54:59

4 represent to you that this list here is the 19:55:03

5 same list but sorted by Tennessee. It's got 19:55:04

6 the same Bates number. 19:55:07

7 Do any -- looking at that, do 19:55:09

8 any of those names ring a bell to you for any 19:55:13

9 suspected pill mill operations in Tennessee? 19:55:18

10 A. No. 19:55:20

11 Q. Okay. That was my last 19:55:22

12 question. Thank you, ma'am. 19:55:22

13 (Mallinckrodt-Harper Exhibit 42 19:55:28

14 marked for identification.) 19:55:30

15 QUESTIONS BY MS. HERZFELD: 19:55:30

16 Q. Okay. Mark this next one as 19:55:30

17 Exhibit 42. It is MNK-T1_00005947296. 19:55:41

18 Okay. The file name is "IMS 19:56:02

19 high oxy 30 prescribers in January 2013." I 19:56:06

20 will represent to you that we have modified 19:56:11

21 this list to sort it just by Tennessee. We 19:56:12

22 haven't changed the contents of it at all. 19:56:17

23 Do you recognize this list, 19:56:20

24 ma'am? 19:56:21

25 A. No. 19:56:21

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<p>1 Q. Is this the IMS data you were 19:56:24 2 talking about earlier, perhaps, looking for 19:56:26 3 physicians? 19:56:29 4 MR. O'CONNOR: Objection to 19:56:33 5 form. 19:56:33 6 THE WITNESS: It states IMS 19:56:33 7 data, yes, so, yes. 19:56:34 8 QUESTIONS BY MS. HERZFELD: 19:56:37 9 Q. Okay. Have you seen a chart 19:56:37 10 like this that you've consulted before? 19:56:39 11 A. Perhaps. 19:56:41 12 Q. Okay. Do you know if you did, 19:56:47 13 if it would have been on the branded side or 19:56:49 14 the generic side? 19:56:51 15 MR. O'CONNOR: Objection to 19:56:52 16 form. 19:56:53 17 THE WITNESS: This would have 19:56:53 18 been the list of -- potentially the 19:56:56 19 list of high prescribers that we were 19:57:01 20 cross-referencing. However, I don't 19:57:04 21 recall that the list was this large or 19:57:07 22 this long. 19:57:09 23 QUESTIONS BY MS. HERZFELD: 19:57:09 24 Q. Okay. So -- okay. Very good. 19:57:10 25 Moving along. 19:57:17</p>	<p>1 "Prescriber list." The date last modified is 19:59:23 2 2/1/2016 on the network share. 19:59:27 3 Have you seen this list before? 19:59:31 4 A. No. 19:59:32 5 Q. Do you have any idea what it 19:59:33 6 is? 19:59:34 7 A. No. 19:59:34 8 Q. Okay. Do you know if it has to 19:59:35 9 do with suspicious order monitoring? 19:59:39 10 A. No. 19:59:43 11 Q. Okay. I'm going to note here 19:59:43 12 on the page -- let's start with page 3, all 20:00:01 13 the way at the back. 20:00:05 14 The very top it says, "Alan 20:00:07 15 Pecorella," and the comments are "arrested on 20:00:11 16 8/23/13 on charge of possession of a 20:00:13 17 Schedule II with intent to distribute. 20:00:16 18 State, Tennessee. On target list, Q2013. 20:00:21 19 Specialty physician assistant." 20:00:25 20 Do you see where that's at? 20:00:27 21 A. Yes. 20:00:28 22 Q. Okay. And if you keep going 20:00:31 23 through a bunch of these, it has various 20:00:33 24 criminal descriptions here. 20:00:37 25 You didn't create this? 20:00:42</p>
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<p>1 (Mallinckrodt-Harper Exhibit 43 19:57:18 2 marked for identification.) 19:57:19 3 QUESTIONS BY MS. HERZFELD: 19:57:19 4 Q. Next one is Exhibit 43, 19:57:22 5 MNK-T1_0007704471. And the title on this is 19:57:29 6 "IMS prescribers through January 2013," and 19:57:47 7 we have modified it just to show Tennessee. 19:57:51 8 Have you seen a chart like this 19:57:55 9 before, ma'am? 19:58:20 10 A. A similar chart with the high 19:58:21 11 prescribers throughout the country is all I 19:58:27 12 recall seeing. 19:58:31 13 Q. Okay. Okay. And if 19:58:32 14 something's in the network share drive, does 19:58:39 15 that mean it's open to everybody within the 19:58:42 16 suspicious order monitoring team to view? 19:58:44 17 A. Yes. 19:58:46 18 Q. Okay. So you would have had 19:58:48 19 access to anything on the share drive? 19:58:49 20 A. Yes. 19:58:52 21 (Mallinckrodt-Harper Exhibit 44 19:58:57 22 marked for identification.) 19:58:57 23 QUESTIONS BY MS. HERZFELD: 19:58:57 24 Q. Okay. Exhibit 44, 19:58:57 25 MNK-T1_0005947297. The file name on this is 19:59:07</p>	<p>1 A. No. 20:00:42 2 Q. Did you have someone on your 20:00:43 3 team create it? 20:00:44 4 A. No. 20:00:45 5 Q. Okay. You can set that aside. 20:00:47 6 (Mallinckrodt-Harper Exhibit 45 20:01:11 7 marked for identification.) 20:01:12 8 QUESTIONS BY MS. HERZFELD: 20:01:12 9 Q. Okay. Just a couple more. 20:01:13 10 Okay. I'm going to hand you what we've 20:01:22 11 marked as Plaintiff's Exhibit 45, 20:01:24 12 MNK_TNSTA02527616. And take a look at that 20:01:35 13 for me, please. 20:01:38 14 I will submit to you that we 20:01:44 15 took the information provided to us and 20:01:45 16 sorted by state, so it's Tennessee only. 20:01:47 17 Okay. And the title of this 20:02:02 18 document is "oxy 15," and then we'll do 30, 20:02:04 19 "sold via by month January through 20:02:08 20 December 2011." Run -- the run, I am 20:02:11 21 guessing, is report run, 2/15/2012. 20:02:13 22 Do you see that? 20:02:16 23 A. Yes. 20:02:17 24 Q. Okay. So going through this, 20:02:19 25 I'm not going to ask you 800 million 20:02:21</p>

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<p>1 questions, but we've sorted it by Tennessee. 20:02:25</p> <p>2 So if you will go with me to the very last 20:02:29</p> <p>3 page. 20:02:42</p> <p>4 A. Page 17? 20:02:42</p> <p>5 Q. Page 17, yes, ma'am. 20:02:43</p> <p>6 A. All right. 20:02:43</p> <p>7 Q. All the way down to the very 20:02:45</p> <p>8 bottom line that's open, sorting it by state 20:02:46</p> <p>9 and then totaling the totals for 12 months, 20:02:49</p> <p>10 can you please read that number in the 20:02:52</p> <p>11 corner? 20:02:54</p> <p>12 A. 4,071,300. 20:02:54</p> <p>13 Q. Okay. And do you know if those 20:03:00</p> <p>14 are sales of pills or bottles? 20:03:05</p> <p>15 A. These appear to be chargeback 20:03:12</p> <p>16 reports -- 20:03:19</p> <p>17 Q. Yes, ma'am. 20:03:19</p> <p>18 A. -- and it would have been 20:03:19</p> <p>19 dosage units. 20:03:20</p> <p>20 Q. Dosage units? 20:03:21</p> <p>21 A. Yes. 20:03:22</p> <p>22 Q. Okay. And what is a dosage 20:03:23</p> <p>23 units? 20:03:24</p> <p>24 A. A pill. 20:03:24</p> <p>25 Q. Okay. 20:03:24</p>	<p>1 Q. Okay. Thank you. Okay. 20:04:19</p> <p>2 Moving along. 20:04:22</p> <p>3 (Mallinckrodt-Harper Exhibit 46 20:04:23</p> <p>4 marked for identification.) 20:04:23</p> <p>5 QUESTIONS BY MS. HERZFELD: 20:04:23</p> <p>6 Q. Okay. It's a different tab of 20:04:28</p> <p>7 the same Bates number, MNK_TNSTA02527616. 20:04:29</p> <p>8 Okay. Same chart but for -- the tab for 20:04:43</p> <p>9 oxy 30. We've modified this just to 20:04:48</p> <p>10 Tennessee. 20:04:50</p> <p>11 And if you'll flip with me to 20:04:51</p> <p>12 the very last page, if you could read the 20:04:55</p> <p>13 total for me there, ma'am. 20:05:00</p> <p>14 A. 12,482,100. 20:05:02</p> <p>15 Q. Okay. So same question on -- 20:05:16</p> <p>16 for this chargeback sheet for -- I want to 20:05:20</p> <p>17 make sure I understand it. 20:05:28</p> <p>18 So that's 12,482,100 pills of 20:05:29</p> <p>19 oxy 30 that were sent to Tennessee, January 20:05:34</p> <p>20 through December 2011, according to the 20:05:38</p> <p>21 chargeback data; is that correct, ma'am? 20:05:41</p> <p>22 A. Yes. 20:05:42</p> <p>23 Q. Okay. Thank you very much. 20:05:43</p> <p>24 You can set that aside. 20:05:45</p> <p>25 Okay. So if you add those two 20:05:52</p>
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<p>1 A. Or a tablet or a capsule, yes. 20:03:26</p> <p>2 Q. Okay. So when we take the 20:03:29</p> <p>3 total number here, 4,071,300, that would be 20:03:30</p> <p>4 pills of oxy 15 shipped to Tennessee, January 20:03:36</p> <p>5 through December 2011; is that right? 20:03:41</p> <p>6 A. So the front of the chart says 20:03:43</p> <p>7 "oxy 15s and 30s." 20:03:51</p> <p>8 Q. Yes, ma'am. 20:03:53</p> <p>9 A. And I just don't see -- it says 20:03:53</p> <p>10 it's on separate tabs, and I don't see -- 20:03:54</p> <p>11 Q. Yeah. So this one is the sheet 20:03:54</p> <p>12 for oxy 15, and I'm going to show you the 20:03:56</p> <p>13 next one for oxy 30. 20:03:58</p> <p>14 A. All right. 20:03:59</p> <p>15 Q. Okay? 20:03:59</p> <p>16 A. Got it. 20:04:00</p> <p>17 Q. Okay. So I'm going to go back 20:04:00</p> <p>18 and ask my question, just to make sure I 20:04:02</p> <p>19 round that out. 20:04:04</p> <p>20 So the total here, 4,071,300, 20:04:04</p> <p>21 that would be the number of pills of oxy 15 20:04:08</p> <p>22 shipped to Tennessee, January through 20:04:12</p> <p>23 December of 2011, according to this 20:04:16</p> <p>24 chargeback data; is that correct? 20:04:17</p> <p>25 A. Yes. 20:04:18</p>	<p>1 numbers -- I'll submit that the total, so you 20:05:54</p> <p>2 don't have to do the math, is 16,553,400 20:05:56</p> <p>3 Mallinckrodt oxy 15 and 30-milligram pills 20:06:00</p> <p>4 that ended up in Tennessee in one year. 20:06:02</p> <p>5 Does that sound correct? 20:06:08</p> <p>6 MR. O'CONNOR: Objection to 20:06:09</p> <p>7 form. 20:06:09</p> <p>8 THE WITNESS: Yes, based upon 20:06:09</p> <p>9 these reports you've shown me, yes. 20:06:10</p> <p>10 QUESTIONS BY MS. HERZFELD: 20:06:12</p> <p>11 Q. Okay. And oxy 15 and oxy 30 20:06:12</p> <p>12 are not the only oxycodone products that 20:06:16</p> <p>13 Mallinckrodt manufactures; is that right? 20:06:18</p> <p>14 A. Yes. 20:06:20</p> <p>15 Q. Okay. What other products are 20:06:21</p> <p>16 there? 20:06:22</p> <p>17 A. There's oxycodone 20:06:23</p> <p>18 acetaminophen -- 20:06:25</p> <p>19 Q. Okay. 20:06:26</p> <p>20 A. -- tablets in various 20:06:26</p> <p>21 strengths, but I don't know the list of 20:06:30</p> <p>22 strengths. 20:06:31</p> <p>23 Q. Okay. And other than the 20:06:32</p> <p>24 oxycodone acetaminophen and the two branded 20:06:35</p> <p>25 we've discussed, Exalgo and Xartemis, do you 20:06:37</p>

<p style="text-align: right;">Page 542</p> <p>1 know any other opioid products that are 20:06:41</p> <p>2 manufactured by Mallinckrodt? 20:06:42</p> <p>3 A. I can't be certain. Some of 20:06:44</p> <p>4 the drug substances we distribute in an oral 20:06:47</p> <p>5 formulation -- 20:06:51</p> <p>6 Q. Okay. 20:06:52</p> <p>7 A. -- but I don't know if 20:06:52</p> <p>8 oxycodone is one of them. 20:06:52</p> <p>9 Q. Okay. But so far as you know, 20:06:54</p> <p>10 for oxycodone we've talked about what we 20:06:57</p> <p>11 have? 20:06:59</p> <p>12 A. Yes. 20:06:59</p> <p>13 Q. Okay. So for the oxycodone 20:06:59</p> <p>14 with acetaminophen, do you know if 20:07:01</p> <p>15 spreadsheets like that, like we just looked 20:07:02</p> <p>16 at, if those exist for the oxycodone with 20:07:04</p> <p>17 acetaminophen? 20:07:07</p> <p>18 A. So the chargeback data exists 20:07:08</p> <p>19 for all products, but the ones we focus on 20:07:10</p> <p>20 are the oxy 15s, the oxy 30s and the hydro 20:07:15</p> <p>21 10s. 20:07:20</p> <p>22 Q. Okay. So there wouldn't have 20:07:21</p> <p>23 been a chargeback report necessarily 20:07:23</p> <p>24 regularly run for oxycodone acetaminophen? 20:07:25</p> <p>25 A. Correct. 20:07:27</p>	<p style="text-align: right;">Page 544</p> <p>1 that in various strengths. 20:08:36</p> <p>2 Q. Uh-huh. 20:08:38</p> <p>3 A. Some of the products in our 20:08:40</p> <p>4 line have 5 milligrams of hydrocodone, some 20:08:42</p> <p>5 have 7 and a half milligrams of hydrocodone, 20:08:46</p> <p>6 and in this case it's referencing 20:08:49</p> <p>7 10 milligrams of hydrocodone -- 20:08:52</p> <p>8 Q. Okay. 20:08:53</p> <p>9 A. -- per pill mixed -- or with 20:08:53</p> <p>10 acetaminophen contained in the pill as well. 20:08:58</p> <p>11 Q. Okay. And when it says, "W 20:09:00</p> <p>12 DEA," is that with DEA? 20:09:03</p> <p>13 Do you know what that means? 20:09:06</p> <p>14 A. Yes, that's correct. 20:09:06</p> <p>15 Q. What does that mean? 20:09:07</p> <p>16 A. With DEA registration. 20:09:07</p> <p>17 Q. Oh, with DEA registration. 20:09:08</p> <p>18 Okay. 20:09:10</p> <p>19 And is the reason that the 20:09:11</p> <p>20 hydro APAP 10 S was monitored with reports 20:09:13</p> <p>21 like this via chargeback data because it was 20:09:20</p> <p>22 susceptible to diversion? 20:09:23</p> <p>23 MR. O'CONNOR: Objection. 20:09:25</p> <p>24 Form. 20:09:26</p> <p>25 THE WITNESS: We were told that 20:09:26</p>
<p style="text-align: right;">Page 543</p> <p>1 Q. Okay. And you mentioned the 20:07:27</p> <p>2 hydrocodone -- I say hydrocodone; you say 20:07:32</p> <p>3 hydrocodone. 20:07:34</p> <p>4 A. That's all right. 20:07:35</p> <p>5 Q. I apologize for that. 20:07:35</p> <p>6 You mentioned the hydrocodone 20:07:37</p> <p>7 10-milligram, you ran chargeback datas for 20:07:39</p> <p>8 those two; is that correct? 20:07:41</p> <p>9 A. Yes. 20:07:45</p> <p>10 (Mallinckrodt-Harper Exhibit 47 20:07:46</p> <p>11 marked for identification.) 20:07:47</p> <p>12 QUESTIONS BY MS. HERZFELD: 20:07:47</p> <p>13 Q. Okay. I marked this one as 20:07:53</p> <p>14 Exhibit 47. Okay. And this is 20:07:54</p> <p>15 MNK_TNSTA02527625. 20:08:06</p> <p>16 If you look at the file name 20:08:13</p> <p>17 here, it says "Hydro APAP 10 shipped to and 20:08:15</p> <p>18 sold via W DEA by month, January 2012 through 20:08:20</p> <p>19 December 2012, all APAP." 20:08:27</p> <p>20 Do you know what any of that 20:08:28</p> <p>21 means? 20:08:30</p> <p>22 A. Yes. 20:08:30</p> <p>23 Q. Could you explain it to me, 20:08:31</p> <p>24 please? 20:08:32</p> <p>25 A. So hydrocodone APAP, we sell 20:08:32</p>	<p style="text-align: right;">Page 545</p> <p>1 it was a drug of concern based upon 20:09:27</p> <p>2 DEA information, yes. 20:09:29</p> <p>3 QUESTIONS BY MS. HERZFELD: 20:09:30</p> <p>4 Q. Okay. Thank you. 20:09:31</p> <p>5 Okay. So looking at this 20:09:33</p> <p>6 report, I want to make sure that I understand 20:09:35</p> <p>7 this correctly. And you've already answered 20:09:39</p> <p>8 a lot of my questions, so that's great. 20:09:41</p> <p>9 Okay. If you'll go with the 20:09:43</p> <p>10 total to this one on the very last page, that 20:09:45</p> <p>11 total there reads -- is that -- could you 20:09:50</p> <p>12 read it for me, please? 20:09:53</p> <p>13 A. 78,184,600. 20:09:54</p> <p>14 Q. Okay. And so that would be 20:10:00</p> <p>15 10-milligram hydrocodone -- hydrocodone APAP 20:10:03</p> <p>16 pills sold in Tennessee from January 2012 to 20:10:06</p> <p>17 December 2012; is that correct? That's what 20:10:11</p> <p>18 this shows? 20:10:15</p> <p>19 A. The date at the top says '13. 20:10:16</p> <p>20 Year 2013. 20:10:21</p> <p>21 Q. Well, I think that's the date, 20:10:21</p> <p>22 not -- oh, where do you see? 20:10:22</p> <p>23 A. Here. 20:10:24</p> <p>24 Q. Oh, it sure does. Maybe it's 20:10:27</p> <p>25 mislabeled. 20:10:29</p>

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<p>1 Okay. So 2013. Make sure I've 20:10:30</p> <p>2 got the right chart. 20:10:33</p> <p>3 Well, it sure does say 2013. 20:10:46</p> <p>4 Okay. So I'm going to modify my question. 20:10:49</p> <p>5 So that total there -- okay. 20:10:50</p> <p>6 So that total there, 78,184,600, that is 20:10:59</p> <p>7 hydro APAP pills sold in Tennessee during the 20:11:06</p> <p>8 calendar year 2013. Is that correct, 20:11:10</p> <p>9 according to this chart? 20:11:11</p> <p>10 A. Those with 10 milligrams of 20:11:12</p> <p>11 hydrocodone, yes. 20:11:14</p> <p>12 Q. Okay. Thank you. 20:11:15</p> <p>13 Do you know why that number is 20:11:21</p> <p>14 so large? 20:11:25</p> <p>15 A. I don't have enough information 20:11:26</p> <p>16 to determine whether this is a large number. 20:11:33</p> <p>17 Q. Okay. Do you know how -- what 20:11:37</p> <p>18 the average was of 10-milligram hydrocodone 20:11:40</p> <p>19 pills being shipped to a state? 20:11:42</p> <p>20 A. No. 20:11:44</p> <p>21 Q. Okay. Do you know anything 20:11:47</p> <p>22 about a Veterans Administration hospital in 20:11:48</p> <p>23 Tennessee getting shipments of hydrocodone? 20:11:52</p> <p>24 MR. O'CONNOR: Objection to 20:11:54</p> <p>25 form. 20:11:55</p>	<p>1 A. VA and other government 20:12:41</p> <p>2 entities. 20:12:44</p> <p>3 Q. Okay. And do you know what 20:12:45</p> <p>4 year she left? 20:12:50</p> <p>5 A. Within the past two years. 20:12:51</p> <p>6 Q. Okay. Do you know if someone 20:12:53</p> <p>7 has replaced her? 20:12:54</p> <p>8 A. Yes. 20:12:55</p> <p>9 Q. Do you know who it is? 20:12:56</p> <p>10 A. I -- there are several new 20:12:57</p> <p>11 national account managers. I barely know 20:13:00</p> <p>12 their names, and I don't know their 20:13:05</p> <p>13 territories. 20:13:06</p> <p>14 Q. Okay. Do you know what 867 20:13:07</p> <p>15 data is? 20:13:11</p> <p>16 A. I've heard the term, yes. 20:13:11</p> <p>17 Q. Okay. Do you know what it is? 20:13:13</p> <p>18 A. It has to do with chargebacks, 20:13:14</p> <p>19 but other than that, it's -- I don't know. 20:13:19</p> <p>20 (Mallinckrodt-Harper Exhibit 48 20:14:15</p> <p>21 marked for identification.) 20:14:16</p> <p>22 QUESTIONS BY MS. HERZFELD: 20:14:16</p> <p>23 Q. Okay. I'll show you what we'll 20:14:10</p> <p>24 mark as Plaintiff's Exhibit 48. 20:14:14</p> <p>25 Mallinckrodt -- sorry, it's 20:14:20</p>
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<p>1 THE WITNESS: Not specifically, 20:11:55</p> <p>2 no. 20:11:56</p> <p>3 QUESTIONS BY MS. HERZFELD: 20:11:56</p> <p>4 Q. Okay. Do you know if the VA 20:11:57</p> <p>5 has a warehouse in Tennessee for medication? 20:12:05</p> <p>6 A. I do not know. 20:12:07</p> <p>7 Q. Okay. Have you dealt with the 20:12:08</p> <p>8 VA, Veterans Administration, at all in 20:12:12</p> <p>9 supplying their medication? 20:12:15</p> <p>10 A. I know we supply the VA, but 20:12:16</p> <p>11 I've not had any conversations with the VA. 20:12:18</p> <p>12 Q. Okay. Was there a specific 20:12:21</p> <p>13 person at Mallinckrodt whose job it would 20:12:23</p> <p>14 have been to deal with the VA? 20:12:24</p> <p>15 A. Yes. 20:12:26</p> <p>16 Q. Who would that have been? 20:12:27</p> <p>17 A. So she's no longer with the 20:12:28</p> <p>18 company. 20:12:30</p> <p>19 Q. Okay. 20:12:31</p> <p>20 A. Her name is Trudy Nicholson. 20:12:32</p> <p>21 Q. Okay. And what was Trudy 20:12:34</p> <p>22 Nicholson's position? 20:12:36</p> <p>23 A. National account manager. 20:12:37</p> <p>24 Q. Okay. And do you know what her 20:12:38</p> <p>25 area was? 20:12:40</p>	<p>1 MNK-T1_0007717730. 20:14:23</p> <p>2 Take a look at this. My 20:14:31</p> <p>3 question here is actually pretty simple if 20:14:41</p> <p>4 you'll just take a look at it. 20:14:44</p> <p>5 A. All right. 20:14:45</p> <p>6 Q. Does this also appear to be a 20:14:47</p> <p>7 chart of hydro APAP 10s sold for the calendar 20:14:48</p> <p>8 year 2015 to the state of Tennessee? 20:14:51</p> <p>9 A. Yes. 20:14:53</p> <p>10 Q. Okay. That's my only question. 20:14:54</p> <p>11 Okay. And you could place any 20:14:55</p> <p>12 pharmacy on the chargeback data restrictions 20:15:27</p> <p>13 list; is that right? 20:15:29</p> <p>14 MR. O'CONNOR: Objection to 20:15:33</p> <p>15 form. 20:15:34</p> <p>16 THE WITNESS: Provided it was a 20:15:34</p> <p>17 pharmacy that purchased through a 20:15:37</p> <p>18 distributor who applied for a 20:15:39</p> <p>19 chargeback reimbursement, yes. Yes. 20:15:41</p> <p>20 QUESTIONS BY MS. HERZFELD: 20:15:43</p> <p>21 Q. Okay. And you didn't -- you 20:15:44</p> <p>22 weren't required to fill any orders that 20:15:45</p> <p>23 seemed suspicious? 20:15:49</p> <p>24 A. Correct. 20:15:49</p> <p>25 Q. Okay. And were you involved at 20:15:50</p>

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<p>1 all in the review of the distributors top 40 20:15:56</p> <p>2 pharmacies that began somewhere around 20:15:58</p> <p>3 October of 2011? 20:16:00</p> <p>4 MR. O'CONNOR: Objection to 20:16:02</p> <p>5 form. 20:16:02</p> <p>6 THE WITNESS: Yes. 20:16:02</p> <p>7 QUESTIONS BY MS. HERZFELD: 20:16:03</p> <p>8 Q. Okay. And that was -- 20:16:03</p> <p>9 Mallinckrodt reviewed the top 20 pharmacies 20:16:05</p> <p>10 in Florida and the top 20 pharmacies outside 20:16:07</p> <p>11 of Florida; is that correct? 20:16:11</p> <p>12 A. Yes. 20:16:12</p> <p>13 Q. Okay. And some of those 20:16:13</p> <p>14 pharmacies that were on the 20 list outside 20:16:16</p> <p>15 of Florida were in Tennessee; is that right? 20:16:18</p> <p>16 A. I don't -- I don't have the 20:16:20</p> <p>17 list in front of me, but I don't dispute 20:16:24</p> <p>18 that. 20:16:26</p> <p>19 Q. Okay. And which distributors 20:16:27</p> <p>20 did you review? 20:16:35</p> <p>21 You were involved with the 20:16:36</p> <p>22 Cardinal review? 20:16:37</p> <p>23 A. Yes. 20:16:37</p> <p>24 Q. Okay. And if I understand 20:16:40</p> <p>25 things correctly, one of the things that was 20:16:43</p>	<p>1 Q. Okay. And you recognize it as 20:18:26</p> <p>2 your handwriting? 20:18:27</p> <p>3 A. Yes. 20:18:27</p> <p>4 Q. Okay. Great. 20:18:28</p> <p>5 And it looks like yet again we 20:18:29</p> <p>6 have added another document to the back of 20:18:34</p> <p>7 this, if you'll bear with me for just one 20:18:36</p> <p>8 second. 20:18:39</p> <p>9 A. Oh -- oh. 20:18:39</p> <p>10 Q. Yeah, it looks like it got 20:18:44</p> <p>11 copied on the second back, so we're going to 20:18:45</p> <p>12 ignore those pharmacy information sheets for 20:18:48</p> <p>13 a minute, okay? My apologies. 20:18:50</p> <p>14 A. All right. 20:18:53</p> <p>15 Q. Okay. So let's just look at 20:18:53</p> <p>16 this document as it is. 20:18:55</p> <p>17 A. Which page, please? 20:18:56</p> <p>18 Q. The first page. 20:18:57</p> <p>19 A. This first page? Okay. Yes. 20:18:57</p> <p>20 Got it. 20:18:59</p> <p>21 Q. Yes, the one that ends 2727. 20:18:59</p> <p>22 A. Got it. 20:19:02</p> <p>23 Q. Is this the Cardinal top 40 20:19:02</p> <p>24 oxy 30 pharmacies as of March 2012? 20:19:04</p> <p>25 MS. FIX MEYER: Objection. 20:19:09</p>
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<p>1 asked of the distributors was to have them 20:16:50</p> <p>2 fill out a pharmacy information sheet; is 20:16:52</p> <p>3 that correct? 20:16:55</p> <p>4 A. Yes. Yes. 20:16:55</p> <p>5 Q. Okay. And were you involved in 20:16:56</p> <p>6 helping to develop those pharmacy information 20:16:58</p> <p>7 sheets? 20:17:01</p> <p>8 A. Yes. 20:17:01</p> <p>9 Q. Okay. And who else was 20:17:03</p> <p>10 involved in that? 20:17:05</p> <p>11 A. It was a team effort by 20:17:05</p> <p>12 suspicious order monitoring team members at 20:17:10</p> <p>13 that time. 20:17:12</p> <p>14 Q. Okay. Okay. I think we'll go 20:17:12</p> <p>15 back in our questioning just a little bit 20:17:44</p> <p>16 here. 20:17:48</p> <p>17 (Mallinckrodt-Harper Exhibit 49 20:17:55</p> <p>18 marked for identification.) 20:17:56</p> <p>19 QUESTIONS BY MS. HERZFELD: 20:17:56</p> <p>20 Q. Mark this one as Plaintiff's 20:17:56</p> <p>21 Exhibit 49. This one is labeled 20:18:00</p> <p>22 MNK-T1_0004592727. 20:18:15</p> <p>23 Is this your handwriting, 20:18:17</p> <p>24 ma'am? 20:18:23</p> <p>25 A. Yes. 20:18:23</p>	<p>1 Form. Foundation. 20:19:10</p> <p>2 MS. HERZFELD: I'm going to 20:19:12</p> <p>3 object to your objection because 20:19:12</p> <p>4 you're not a party in our case. 20:19:13</p> <p>5 MS. FIX MEYER: Okay. 20:19:15</p> <p>6 THE WITNESS: Yes. 20:19:16</p> <p>7 QUESTIONS BY MS. HERZFELD: 20:19:19</p> <p>8 Q. Okay? And do you see Tennessee 20:19:20</p> <p>9 pharmacies on this list? 20:19:21</p> <p>10 A. Yes. 20:19:22</p> <p>11 Q. Okay. And which pharmacies do 20:19:23</p> <p>12 you see that are located in Tennessee on this 20:19:26</p> <p>13 list? 20:19:28</p> <p>14 A. I see Riggs Drug. 20:19:28</p> <p>15 Q. Yes, ma'am. 20:19:31</p> <p>16 A. And, oh, Riggs Drug again. 20:19:32</p> <p>17 Q. Yes, ma'am. 20:19:38</p> <p>18 A. And Kinser drugstore. 20:19:39</p> <p>19 Q. Okay. And do you know what 20:19:41</p> <p>20 that shaded area, pharmacy 90-day review from 20:19:42</p> <p>21 previous meeting, means? 20:19:46</p> <p>22 A. Yes. 20:19:47</p> <p>23 Q. What does it mean? 20:19:48</p> <p>24 A. It means we had previously 20:19:49</p> <p>25 spoken to the distributor about these 20:19:54</p>

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1	pharmacies, and they were doing additional 20:19:57	1	this. This is the one that ends 59731. 20:21:40
2	review or performing due diligence or -- to 20:20:02	2	Do you see that list? 20:21:47
3	some extent, and that we were going to 20:20:06	3	A. 592731? 20:21:48
4	revisit these pharmacies on our next 20:20:08	4	Q. Yes, ma'am. 20:21:55
5	quarterly review. 20:20:10	5	A. Yes. 20:21:55
6	MS. FIX MEYER: Objection. 20:20:11	6	Q. Okay. And so this is Cardinal 20:21:56
7	Form. Foundation. 20:20:12	7	oxycodone 30 multi-distributor pharmacies as 20:21:58
8	MS. HERZFELD: Same objection. 20:20:13	8	of March 2012. 20:22:02
9	QUESTIONS BY MS. HERZFELD: 20:20:14	9	Did I read that correctly? 20:22:04
10	Q. Pharmacies to be reviewed in 20:20:14	10	A. Yes. 20:22:06
11	quarter 3 CY '12 is that bottom group. 20:20:16	11	Q. Okay. And is that your 20:22:08
12	What does that mean? 20:20:21	12	handwriting to the right? 20:22:09
13	MS. FIX MEYER: Objection. 20:20:24	13	A. Yes. 20:22:10
14	Form. Foundation. 20:20:25	14	Q. And what does that say? 20:22:11
15	MS. HERZFELD: Same objection. 20:20:25	15	A. It says, "Rock 3 CAH," which is 20:22:12
16	I'm just going to have a 20:20:26	16	the abbreviation for Cardinal Health, 20:22:20
17	standing objection to any objections 20:20:27	17	"terminated December 2, 2011." 20:22:23
18	from Cardinal's counsel. Cardinal has 20:20:29	18	Q. Okay. And then underneath 20:22:25
19	not cross-noticed us in this 20:20:31	19	that? 20:22:27
20	deposition, nor is Cardinal part of 20:20:34	20	A. "Bellco picked them up." 20:22:27
21	our case. So our objection is 20:20:36	21	Q. Okay. Do you know what any of 20:22:30
22	Cardinal doesn't have standing to 20:20:39	22	that means? 20:22:31
23	object. 20:20:40	23	A. No. 20:22:32
24	QUESTIONS BY MS. HERZFELD: 20:20:41	24	Q. Okay. And then looking at this 20:22:33
25	Q. You can go ahead. 20:20:41	25	list, it looks like there are one, two on 20:22:35
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1	A. So it means what it says. 20:20:42	1	this list that are in Tennessee. 20:22:40
2	These were the pharmacies that we would 20:20:45	2	Do you see that? 20:22:41
3	discuss with Cardinal at that particular next 20:20:48	3	A. Just a moment, please. 20:22:42
4	meeting. 20:20:52	4	Q. Yeah, sure. 20:22:44
5	Q. Okay. And what does your 20:20:53	5	A. Yes. 20:22:45
6	handwriting here say? 20:20:56	6	Q. Okay. And those are Riggs in 20:22:47
7	A. It says, "Riggs not related." 20:20:57	7	La Follette, Tennessee, and Riggs Drug in 20:22:50
8	Q. Okay. And what does that mean? 20:20:59	8	Powell, Tennessee; is that right? 20:22:53
9	A. I do not know. 20:21:01	9	A. Yes. 20:22:54
10	Q. Okay. And then what does your 20:21:04	10	Q. And so they've been identified 20:22:54
11	handwriting down below say? 20:21:05	11	as getting oxycodone 30 from multi -- 20:22:56
12	A. "Cardinal owns SPS, Specialty 20:21:07	12	multiple distributors; is that right? 20:22:59
13	Pharmacy Services." 20:21:12	13	A. Yes. 20:23:02
14	Q. Okay. And what does that mean? 20:21:12	14	Q. Okay. And so looking at the 20:23:02
15	A. I don't know. 20:21:14	15	Riggs Drug, the first one in La Follette, 20:23:04
16	Q. Okay. Do you know what 20:21:14	16	according to this chart it says they were 20:23:07
17	Specialty Pharmacy Services is? 20:21:17	17	receiving oxycodone 30 from Cardinal and 20:23:09
18	A. No. 20:21:18	18	Masters. 20:23:11
19	Q. Okay. And flip with me to the 20:21:19	19	MS. FIX MEYER: Objection. 20:23:13
20	next page. 20:21:27	20	Form. 20:23:13
21	Is that your handwriting on 20:21:28	21	QUESTIONS BY MS. HERZFELD: 20:23:13
22	this document as well? 20:21:29	22	Q. Do you see that? 20:23:14
23	A. Yes. 20:21:30	23	MS. HERZFELD: Standing 20:23:14
24	Q. Okay. Then we'll keep flipping 20:21:36	24	objection. 20:23:15
25	to the next one, the one that looks like 20:21:38	25	THE WITNESS: Yes. 20:23:16

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1	QUESTIONS BY MS. HERZFELD: 20:23:16	1	QUESTIONS BY MS. HERZFELD: 20:25:13
2	Q. And then Riggs Drug in Powell, 20:23:17	2	Q. Can you take a look at it for 20:25:13
3	Tennessee, it says they were receiving 20:23:21	3	me, please? 20:25:14
4	oxycodone 30 from Cardinal, Masters and 20:23:23	4	My first question on these is 20:25:20
5	HD Smith Wholesale. 20:23:26	5	pretty simple. Is this your handwriting? 20:25:21
6	MS. FIX MEYER: Same objection. 20:23:28	6	A. Yes. 20:25:23
7	MS. HERZFELD: Same objection. 20:23:29	7	Q. Okay. And when -- do you 20:25:23
8	QUESTIONS BY MS. HERZFELD: 20:23:31	8	recognize these to be pharmacy information 20:25:28
9	Q. Am I reading that correctly? 20:23:31	9	sheets? 20:25:30
10	A. Yes. 20:23:32	10	A. Yes. 20:25:30
11	Q. Okay. And was this report run 20:23:32	11	Q. And these are all pharmacy 20:25:30
12	every year? 20:23:40	12	information sheets for Riggs pharmacy? 20:25:32
13	A. I'm not certain of the 20:23:41	13	A. Yes. 20:25:34
14	frequency. 20:23:42	14	Q. Okay. Riggs -- 20:25:37
15	Q. Okay. Okay. Then the next 20:23:43	15	A. Except the back -- 20:25:37
16	one, unfortunately, is really supposed to be 20:23:48	16	Q. Okay. 20:25:38
17	another exhibit. 20:23:49	17	A. -- is some other chart. 20:25:39
18	MS. HERZFELD: Should we just 20:23:52	18	Q. Yeah, ignore that. 20:25:40
19	mark it separate? Let's just mark it 20:23:53	19	A. Okay. 20:25:41
20	separate. 20:23:56	20	Q. Okay. So that would be Riggs 20:25:42
21	(Mallinckrodt-Harper Exhibit 50 20:23:56	21	pharmacy in La Follette, Riggs pharmacy in 20:25:44
22	marked for identification.) 20:23:56	22	Jacksboro and Riggs pharmacy in Powell, 20:25:48
23	MS. HERZFELD: Keep that. 20:23:56	23	Tennessee; is that right? 20:25:51
24	Okay, you can put that one to the 20:23:56	24	A. Yes. 20:25:52
25	side. Then what we'll do is make this 20:24:20	25	Q. Okay. And looking at this, 20:25:53
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1	the next exhibit. Okay? 20:24:22	1	you've got your handwritten notes. It goes 20:25:55
2	Okay. So the next exhibit is 20:24:23	2	through, it looks like, portions of the 20:25:57
3	50. Mark this one as Exhibit 50. 20:24:25	3	pharmacy information sheet. 20:25:59
4	MR. O'CONNOR: Just to be 20:24:32	4	Where did you get this 20:26:00
5	clear, what's the Bates number on the 20:24:33	5	information? 20:26:02
6	exhibit you're marking right now? 20:24:35	6	A. In a conversation with a 20:26:06
7	MS. HERZFELD: I'm going to 20:24:36	7	wholesaler. It's not identified here. 20:26:09
8	tell you. It's MNK-T1_0004592758 and 20:24:37	8	Q. Okay. And you would agree with 20:26:12
9	2756 and 2754 of this collective 20:24:49	9	me in those three pages of your handwritten 20:26:14
10	exhibit. 20:24:53	10	notes about the various Riggs that not every 20:26:16
11	MR. O'CONNOR: Just observe 20:24:53	11	section of your pharmacy information sheet is 20:26:21
12	that it appears to skip Bates numbers, 20:24:55	12	filled out; is that correct? 20:26:24
13	which suggests there might be pages 20:24:59	13	A. Correct. 20:26:24
14	missing from this document. 20:24:59	14	Q. Okay. And did Mallinckrodt, to 20:26:26
15	MS. HERZFELD: It does, and I 20:25:00	15	your knowledge, ever do any site visits at 20:26:29
16	don't know why that is, but we'll just 20:25:02	16	any of these three Riggs pharmacies? 20:26:32
17	move along. 20:25:03	17	A. Not to my knowledge. 20:26:34
18	MR. O'CONNOR: Well, I would 20:25:04	18	Q. Okay. And do you have any 20:26:34
19	just object to the extent this isn't a 20:25:04	19	recollection of any conversations about the 20:26:35
20	document that's -- 20:25:06	20	Riggs pharmacies at all? 20:26:37
21	MS. HERZFELD: Yeah, objection 20:25:07	21	A. This pharmacy information sheet 20:26:40
22	noted. 20:25:08	22	would have been the product of a discussion. 20:26:42
23	MR. O'CONNOR: As it's 20:25:08	23	Q. Okay. Other than what's 20:26:45
24	maintained. 20:25:11	24	written down in your handwritten notes on 20:26:47
25		25	these pharmacy information sheets, do you 20:26:50

<p style="text-align: right;">Page 562</p> <p>1 recall anything about those Riggs pharmacies? 20:26:52</p> <p>2 A. No. 20:26:54</p> <p>3 Q. Okay. 20:26:55</p> <p>4 (Mallinckrodt-Harper Exhibit 51 20:27:22</p> <p>5 marked for identification.) 20:27:23</p> <p>6 QUESTIONS BY MS. HERZFELD: 20:27:23</p> <p>7 Q. Okay. I'm going to hand you 20:27:23</p> <p>8 what we'll mark as Exhibit 51, 20:27:26</p> <p>9 MNK_TNSTA05350336. 20:27:36</p> <p>10 Okay. Do you recognize this 20:27:43</p> <p>11 document? 20:27:46</p> <p>12 A. Yes. 20:27:46</p> <p>13 Q. Okay. What does it appear to 20:27:47</p> <p>14 be? 20:27:49</p> <p>15 A. Pharmacy information sheet on 20:27:49</p> <p>16 Riggs Drug again. 20:27:54</p> <p>17 Q. Okay. And this is the Riggs 20:27:54</p> <p>18 Drug in La Follette, Tennessee; is that 20:27:56</p> <p>19 right? 20:27:59</p> <p>20 A. Yes. 20:27:59</p> <p>21 Q. Okay. And that's date 20:27:59</p> <p>22 10/12/11? 20:28:02</p> <p>23 A. Yes. 20:28:02</p> <p>24 Q. Okay. And if you'll look down 20:28:03</p> <p>25 here at the notes, it says, "Other notes: 20:28:04</p>	<p style="text-align: right;">Page 564</p> <p>1 A. Yes. 20:28:57</p> <p>2 Q. Okay. Riggs Medical Center. 20:28:58</p> <p>3 Do you know if a Riggs Medical Center exists? 20:29:03</p> <p>4 A. I do not. 20:29:05</p> <p>5 Q. Okay. Did you do anything to 20:29:06</p> <p>6 verify whether a Riggs Medical Center exists? 20:29:08</p> <p>7 A. No. 20:29:11</p> <p>8 Q. Okay. What about St. Mary's 20:29:12</p> <p>9 Hospital? It says, "near Riggs Medical 20:29:15</p> <p>10 Center and St. Mary's Hospital." 20:29:18</p> <p>11 Do you know how near this 20:29:19</p> <p>12 pharmacy was to St. Mary's Hospital? 20:29:21</p> <p>13 MR. O'CONNOR: Objection to 20:29:24</p> <p>14 form. 20:29:24</p> <p>15 THE WITNESS: No. 20:29:24</p> <p>16 QUESTIONS BY MS. HERZFELD: 20:29:29</p> <p>17 Q. Okay. Do you know where La 20:29:29</p> <p>18 Follette, Tennessee, is? 20:29:32</p> <p>19 A. No. 20:29:32</p> <p>20 Q. Do you know where St. Mary's 20:29:33</p> <p>21 Hospital is? 20:29:34</p> <p>22 A. No. 20:29:34</p> <p>23 Q. If St. Mary's Hospital is 20:29:35</p> <p>24 45 miles away in Knoxville from La Follette, 20:29:43</p> <p>25 is that information you would have wanted to 20:29:47</p>
<p style="text-align: right;">Page 563</p> <p>1 Explanation of 800 RX total per day. PIC 20:28:06</p> <p>2 said increases due to physicians switching 20:28:11</p> <p>3 from hydrocodone APAP mix due to liver 20:28:13</p> <p>4 concerns." 20:28:17</p> <p>5 Do you know where that 20:28:18</p> <p>6 information was obtained? 20:28:19</p> <p>7 A. I do not know. 20:28:20</p> <p>8 Well, the information would 20:28:25</p> <p>9 have been provided by Cardinal Health. 20:28:28</p> <p>10 Q. Okay. And did you do anything 20:28:30</p> <p>11 to verify the information provided to you by 20:28:32</p> <p>12 Cardinal Health? 20:28:34</p> <p>13 A. No. 20:28:35</p> <p>14 Q. Okay. And did anyone in 20:28:37</p> <p>15 Mallinckrodt, to your knowledge, do anything 20:28:39</p> <p>16 to verify the information provided by 20:28:40</p> <p>17 Cardinal Health? 20:28:42</p> <p>18 A. No. 20:28:42</p> <p>19 Q. Okay. Okay. So then the next 20:28:44</p> <p>20 sentence says, "Near Riggs Medical Center and 20:28:46</p> <p>21 St. Mary's Hospital." 20:28:49</p> <p>22 Do you see where it says that? 20:28:52</p> <p>23 A. Yes. 20:28:54</p> <p>24 Q. Okay. You obtained that 20:28:54</p> <p>25 information from Cardinal Health? 20:28:55</p>	<p style="text-align: right;">Page 565</p> <p>1 have known? 20:29:49</p> <p>2 MR. O'CONNOR: Objection to 20:29:49</p> <p>3 form. 20:29:49</p> <p>4 THE WITNESS: It's a piece of 20:29:54</p> <p>5 information, but I don't know how many 20:29:55</p> <p>6 other medical centers, how many other 20:29:57</p> <p>7 pharmacies, were within that 45 miles. 20:29:59</p> <p>8 So it would have been an additional 20:30:03</p> <p>9 piece of information, but not 20:30:05</p> <p>10 conclusive. 20:30:07</p> <p>11 QUESTIONS BY MS. HERZFELD: 20:30:07</p> <p>12 Q. Okay. But that's information 20:30:08</p> <p>13 you would have liked to have had in 20:30:09</p> <p>14 evaluating this pharmacy? 20:30:11</p> <p>15 MR. O'CONNOR: Objection to 20:30:12</p> <p>16 form. 20:30:13</p> <p>17 THE WITNESS: We -- it wasn't 20:30:13</p> <p>18 always provided to us, the proximity 20:30:17</p> <p>19 of the pharmacy to a hospital, so we 20:30:19</p> <p>20 took this information as Cardinal 20:30:22</p> <p>21 represented it to us. 20:30:25</p> <p>22 QUESTIONS BY MS. HERZFELD: 20:30:27</p> <p>23 Q. When you hear "near Riggs 20:30:28</p> <p>24 Medical Center and St. Mary's Hospital," 20:30:33</p> <p>25 would you consider near to be 45 miles away? 20:30:35</p>

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1	MR. O'CONNOR: Objection to	20:30:37	1	list," what does that mean?	20:32:13
2	form.	20:30:38	2	A. Well, I'd like to clarify the	20:32:15
3	THE WITNESS: I don't know La	20:30:38	3	previous information.	20:32:17
4	Follette, Tennessee, to know if -- in	20:30:41	4	Q. Yes, ma'am.	20:32:18
5	Missouri, some of the health care	20:30:44	5	A. I don't know who filled this	20:32:19
6	centers are hundreds of miles away	20:30:45	6	out.	20:32:19
7	from where a patient may live and the	20:30:48	7	Q. Okay.	20:32:19
8	pharmacy from which they may obtain	20:30:52	8	A. I don't know if it was us or	20:32:20
9	their prescriptions, so I don't have	20:30:54	9	Cardinal --	20:32:20
10	enough information to answer.	20:30:57	10	Q. Okay.	20:32:20
11	QUESTIONS BY MS. HERZFELD:	20:30:58	11	A. -- because Cardinal was a great	20:32:21
12	Q. Okay. But you didn't do	20:30:58	12	collaborative partner. And so as time went	20:32:23
13	anything to check that out, did you?	20:30:59	13	on, as opposed to us writing these things in	20:32:26
14	A. No.	20:31:00	14	hand, Cardinal would come prepared to	20:32:28
15	Q. Okay. And then it says,	20:31:02	15	conversations or meetings or tell -- or	20:32:30
16	"Another Riggs drugstore is located in	20:31:03	16	transmit these pharmacy information sheets to	20:32:32
17	Powell, Tennessee, with oxy 30 milligram	20:31:06	17	us.	20:32:35
18	year-to-date of approximately 170,000."	20:31:09	18	Q. Okay.	20:32:35
19	Do you see that?	20:31:13	19	A. So I don't know who typed this	20:32:36
20	A. Yes.	20:31:13	20	disposition.	20:32:42
21	Q. Okay. Did that concern you at	20:31:16	21	Q. Okay. Do you know if Riggs was	20:32:43
22	all, that there was another Riggs pharmacy so	20:31:18	22	ever put on a chargeback list?	20:32:44
23	close with that number?	20:31:21	23	A. I -- yes.	20:32:46
24	MR. O'CONNOR: Objection to	20:31:24	24	Q. Why don't we look at the list.	20:32:49
25	form.	20:31:25	25	A. All right.	20:32:51
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1	THE WITNESS: I don't see on	20:31:25	1	Q. I'll find it.	20:32:51
2	this pharmacy information sheet a	20:31:28	2	Would Cardinal have had the	20:32:53
3	disposition in terms of whether we	20:31:30	3	ability to tell Mallinckrodt what to put on	20:32:55
4	restricted chargebacks to the sale	20:31:35	4	or take off of a chargeback list?	20:32:57
5	of -- of pharmaceuticals to any of	20:31:39	5	MS. FIX MEYER: Objection.	20:32:59
6	these Riggs Drug's facilities.	20:31:40	6	Form.	20:33:00
7	I can tell you it was a topic	20:31:43	7	MR. O'CONNOR: Objection to	20:33:00
8	of conversation with Cardinal, but I	20:31:45	8	form.	20:33:01
9	don't know the disposition.	20:31:46	9	MS. HERZFELD: Same objection.	20:33:01
10	QUESTIONS BY MS. HERZFELD:	20:31:47	10	QUESTIONS BY MS. HERZFELD:	20:33:06
11	Q. Okay. If you look down at the	20:31:48	11	Q. Did Cardinal have that ability?	20:33:06
12	bottom there, it says, "Result, take off list	20:31:49	12	A. They had -- no, not the	20:33:08
13	and honor chargebacks. Requested site visit	20:31:51	13	ability.	20:33:13
14	with 90 days. Low CS percentage is	20:31:54	14	Q. Okay. Would they make	20:33:13
15	mitigating factor."	20:31:57	15	recommendations?	20:33:15
16	Do you see that?	20:31:58	16	A. Yes.	20:33:15
17	A. Yes.	20:31:59	17	Q. Okay. And would you follow the	20:33:17
18	Q. Okay. And so that would be the	20:31:59	18	recommendations?	20:33:19
19	result from the Mallinckrodt side; is that	20:32:02	19	A. Yes.	20:33:19
20	correct?	20:32:04	20	Q. Would you do any independent	20:33:20
21	MR. O'CONNOR: Objection to	20:32:04	21	research to verify their recommendations?	20:33:25
22	form.	20:32:05	22	A. I don't -- it would have been	20:33:27
23	THE WITNESS: Yes.	20:32:05	23	situational.	20:33:33
24	QUESTIONS BY MS. HERZFELD:	20:32:09	24	Q. Okay. I'm going to show you	20:33:35
25	Q. Okay. When it says "take off	20:32:09	25	Exhibit 36, which is the chargeback list, and	20:33:38

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1 please let me know if you see Riggs on there, 20:33:42
2 please. 20:33:44
3 A. I do not. 20:33:44
4 Q. Okay. So if Riggs was ever 20:33:47
5 placed on a chargeback list on 20:33:49
6 Mallinckrodt -- by Mallinckrodt, it should 20:33:51
7 appear on the chargeback list; is that 20:33:52
8 correct? 20:33:54
9 MR. O'CONNOR: Objection to 20:33:54
10 form. 20:33:55
11 THE WITNESS: Yes. 20:33:55
12 QUESTIONS BY MS. HERZFELD: 20:33:58
13 Q. Okay. Okay. You can set that 20:33:58
14 aside. 20:34:07
15 (Mallinckrodt-Harper Exhibit 52 20:34:57
16 marked for identification.) 20:34:57
17 QUESTIONS BY MS. HERZFELD: 20:34:57
18 Q. I'm going to show what we'll 20:34:58
19 mark as Exhibit 51? 2? 20:35:00
20 MR. O'CONNOR: It's 52. 20:35:03
21 MS. HERZFELD: 52? Thank you. 20:35:06
22 QUESTIONS BY MS. HERZFELD: 20:35:06
23 Q. This is MNK_TNSTA05353270. 20:35:14
24 Take a look at that for me, please, ma'am. 20:35:26
25 Do you recognize this as the 20:35:45

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1 summary report for the Cardinal Health 20:35:46
2 suspicious order monitoring audit conducted 20:35:49
3 March 5th through 6th in 2012 in Ohio? 20:35:51
4 A. Yes. 20:35:53
5 Q. Okay. Did you create this 20:35:54
6 document? 20:35:55
7 A. I don't recall. 20:35:55
8 Q. Okay. Looking through it, it 20:35:58
9 says on March 5th, a total of 19 pharmacies 20:36:02
10 located in Florida were reviewed. 20:36:04
11 If you look at the second page, 20:36:06
12 page ending in 53271, a total of 20 20:36:16
13 pharmacies located in non-Florida states were 20:36:22
14 reviewed. Of the 20, 11 pharmacies have had 20:36:26
15 controlled substance sales restricted by 20:36:28
16 Cardinal. 20:36:28
17 Do you see where that is? 20:36:29
18 A. Yes. 20:36:30
19 Q. Okay. And do you see the list 20:36:30
20 that says non-Florida, non-restricted? 20:36:36
21 A. Yes. 20:36:41
22 Q. And what is the one at the 20:36:41
23 bottom there? 20:36:42
24 A. Riggs Drug. 20:36:42
25 Q. Okay. And if you go up two, 20:36:43

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1 that's Max Pharmacy; is that right? 20:36:44
2 A. Yes. 20:36:47
3 Q. Do you know where that's 20:36:47
4 located? 20:36:48
5 A. No. 20:36:48
6 Q. Okay. And then Kinser drug 20:36:49
7 store. 20:36:54
8 Do you see that? 20:36:54
9 A. Yes. 20:36:55
10 Q. Okay. And is Kinser drug store 20:36:55
11 listed in Tennessee? 20:36:57
12 A. I know the name came up within 20:36:59
13 the course of this deposition. I'm getting 20:37:00
14 so muddled, I don't know. I'm sorry. 20:37:02
15 Q. That's fine. Okay. And I 20:37:04
16 think those are my only questions on that 20:37:06
17 document. 20:37:07
18 A. Okay. 20:37:08
19 Q. Let's put it aside. 20:37:08
20 Okay. We'll just go through 20:38:39
21 these next three pretty quickly. 20:38:42
22 (Mallinckrodt-Harper Exhibit 53 20:38:44
23 marked for identification.) 20:38:44
24 QUESTIONS BY MS. HERZFELD: 20:38:44
25 Q. Number 53, MNK_TNSTA00612651. 20:38:44

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1 Do you recognize this document 20:39:05
2 as a pharmacy information sheet? 20:39:15
3 A. Yes. 20:39:17
4 Q. Do you know if it was filled 20:39:17
5 out by Mallinckrodt or by Cardinal? 20:39:18
6 A. I do not know. 20:39:21
7 MS. FIX MEYER: Objection. 20:39:22
8 MS. HERZFELD: Okay. Same 20:39:23
9 standing objection. 20:39:25
10 QUESTIONS BY MS. HERZFELD: 20:39:25
11 Q. Okay. And it talks about the 20:39:26
12 volume of oxycodone sales to this location; 20:39:28
13 is that correct? 20:39:30
14 A. Yes. 20:39:30
15 Q. Okay. And then at the bottom 20:39:33
16 it says, "Describe physical location and 20:39:34
17 description of pharmacy. Standalone building 20:39:37
18 on main two-lane road. Services rural 20:39:40
19 community. In residential town in Campbell 20:39:44
20 County." 20:39:46
21 Did I read that correctly? 20:39:46
22 A. Yes. 20:39:47
23 Q. Okay. And did Mallinckrodt do 20:39:47
24 anything to verify that information? 20:39:50
25 A. No. 20:39:51

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<p>1 (Mallinckrodt-Harper Exhibit 54 20:39:53 2 marked for identification.) 20:39:53 3 QUESTIONS BY MS. HERZFELD: 20:39:53 4 Q. Okay. Okay. I'm handing you 20:39:54 5 Exhibit 54, MNK_TNSTA00607869. 20:40:14 6 Do you recognize this as a 20:40:21 7 pharmacy information sheet dated 11/30/2012 20:40:23 8 for the Riggs Drug in La Follette, Tennessee? 20:40:29 9 A. Yes. 20:40:33 10 Q. Okay. And do you know if 20:40:33 11 someone from Mallinckrodt filled this out or 20:40:35 12 somebody from Cardinal filled it out? 20:40:39 13 MR. O'CONNOR: Objection to 20:40:41 14 form. 20:40:41 15 MS. FIX MEYER: Objection. 20:40:43 16 THE WITNESS: No. 20:40:43 17 QUESTIONS BY MS. HERZFELD: 20:40:43 18 Q. Okay. And could you please 20:40:43 19 read to me what it says and describe the 20:40:44 20 physical description and location of the 20:40:45 21 pharmacy? 20:40:46 22 A. "La Follette, Tennessee, is a 20:40:48 23 small town of 7,926 located northwest of 20:40:50 24 Knoxville. The pharmacy is located in a 20:40:55 25 spacious standalone building with a large 20:40:58</p>	<p>1 QUESTIONS BY MS. HERZFELD: 20:42:03 2 Q. Okay. And then when it says, 20:42:04 3 "notes, all Riggs have been capped," talking 20:42:06 4 about per Cardinal Health, they believe the 20:42:08 5 Jacksboro store has made progress, Cardinal 20:42:10 6 is being referred to as "they." 20:42:13 7 So do you believe that note was 20:42:14 8 made by somebody at Mallinckrodt? 20:42:16 9 MR. O'CONNOR: Objection to 20:42:18 10 form. 20:42:19 11 THE WITNESS: Yes. 20:42:19 12 QUESTIONS BY MS. HERZFELD: 20:42:19 13 Q. Okay. And so do you know 20:42:20 14 anything about Riggs 15 and 30s being capped? 20:42:23 15 A. It says it here, but I don't 20:42:27 16 recall. 20:42:29 17 Q. Okay. And what does it mean to 20:42:29 18 cap someone at 15 and 30s? 20:42:30 19 A. It means a limit was placed on 20:42:35 20 the amount of oxycodone 15s and 30s that a 20:42:38 21 particular pharmacy could receive from a 20:42:41 22 distributor. 20:42:45 23 Q. Okay. And why would -- why 20:42:45 24 would that happen? Why would a cap be put 20:42:47 25 on? 20:42:49</p>
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<p>1 parking area. It shares a small amount of 20:41:01 2 space with a medical clinic, which is in the 20:41:03 3 process of moving to a larger building. The 20:41:06 4 pharmacy is located on the primary business 20:41:10 5 street and the state highway through town." 20:41:13 6 Q. Okay. And down at the bottom, 20:41:16 7 the notes, could you read that for me, 20:41:18 8 please? 20:41:21 9 A. Yes. 20:41:21 10 "All Riggs 15/30s capped. Have 20:41:22 11 stopped prescribing for certain docs. Per 20:41:28 12 Cardinal Health" -- that's the abbreviation 20:41:37 13 for Cardinal Health -- "they believe 20:41:38 14 Jacksboro store has made progress. One store 20:41:42 15 fills 12,000 scripts per month, another fills 20:41:44 16 5,000." 20:41:48 17 Q. Okay. So the information 20:41:50 18 that's included in the physical location 20:41:51 19 about the size of La Follette, Tennessee, and 20:41:53 20 description of the building, that's 20:41:58 21 information that was known to Mallinckrodt; 20:41:59 22 is that correct? 20:42:02 23 MR. O'CONNOR: Objection to 20:42:02 24 form. 20:42:03 25 THE WITNESS: Yes. 20:42:03</p>	<p>1 A. So this is part of Cardinal's 20:42:49 2 program, and I can't answer the question. 20:42:53 3 Q. Okay. When it says, "They 20:42:55 4 believe the Jacksboro store has made 20:42:57 5 progress. One store fills 12,000 scripts per 20:43:00 6 month, another fills 5,000," does that mean 20:43:03 7 that the numbers went down? 20:43:06 8 MR. O'CONNOR: Objection to 20:43:07 9 form. 20:43:07 10 THE WITNESS: I don't know. 20:43:07 11 QUESTIONS BY MS. HERZFELD: 20:43:08 12 Q. Okay. Do you know if you had a 20:43:08 13 concern about diversion from these Riggs 20:43:11 14 pharmacies in Campbell County? 20:43:15 15 MR. O'CONNOR: Objection to 20:43:17 16 form. 20:43:18 17 THE WITNESS: So by virtue of 20:43:18 18 the fact we had a pharmacy information 20:43:20 19 sheet, it means we discussed these 20:43:22 20 pharmacies with Cardinal and any other 20:43:25 21 distributor that was selling to them. 20:43:27 22 So it was a point of discussion for 20:43:29 23 further review. 20:43:34 24 QUESTIONS BY MS. HERZFELD: 20:43:34 25 Q. Okay. So there was discussion 20:43:35</p>

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<p>1 about whether there was potential diversion 20:43:37</p> <p>2 at these Riggs pharmacies? 20:43:39</p> <p>3 A. Yes. 20:43:42</p> <p>4 Q. Okay. And at no time did 20:43:43</p> <p>5 Mallinckrodt do chargeback restrictions for 20:43:48</p> <p>6 Riggs pharmacies, according to that chart we 20:43:51</p> <p>7 saw; is that correct? 20:43:54</p> <p>8 MR. O'CONNOR: Objection to 20:43:54</p> <p>9 form. 20:43:55</p> <p>10 THE WITNESS: So, yes, and I 20:43:55</p> <p>11 misspoke when I said that we had. 20:43:57</p> <p>12 According to the chart, Riggs 20:44:00</p> <p>13 pharmacies were not restricted -- 20:44:02</p> <p>14 QUESTIONS BY MS. HERZFELD: 20:44:03</p> <p>15 Q. Okay. 20:44:03</p> <p>16 A. -- from chargeback processing. 20:44:04</p> <p>17 Q. Okay. And so that means, to 20:44:05</p> <p>18 your knowledge, Riggs pharmacies could 20:44:07</p> <p>19 continue to receive oxycodone 15 and 30s? 20:44:09</p> <p>20 A. Yes. 20:44:13</p> <p>21 Q. Okay. Thank you. 20:44:15</p> <p>22 (Mallinckrodt-Harper Exhibit 55 20:44:18</p> <p>23 marked for identification.) 20:44:18</p> <p>24 QUESTIONS BY MS. HERZFELD: 20:44:18</p> <p>25 Q. Okay. 55, marking Plaintiff's 20:44:42</p>	<p>1 pharmacies, but I don't see that there's -- 20:46:53</p> <p>2 oh, yes, I do see an identifier on the 20:46:56</p> <p>3 spreadsheet itself. Yes, Riggs pharmacies. 20:46:59</p> <p>4 Q. Okay. Great. 20:47:00</p> <p>5 In looking here, it's kind of 20:47:01</p> <p>6 hard to review it all. One, two -- if you 20:47:09</p> <p>7 look on page 3, down at the bottom, the 20:47:12</p> <p>8 orange line, it says, "Oxycodone 30-milligram 20:47:35</p> <p>9 tablets." 20:47:38</p> <p>10 Do you see where I'm at? 20:47:39</p> <p>11 A. Yes. 20:47:40</p> <p>12 Q. Okay. And it indicates that 20:47:41</p> <p>13 Cardinal Health shipped 292,600 oxycodone 20:47:44</p> <p>14 30-milligram tablets to Riggs Drug in La 20:47:52</p> <p>15 Follette, Tennessee, in the calendar year 20:47:56</p> <p>16 2012; is that correct? 20:48:00</p> <p>17 A. So the data began November 20:48:01</p> <p>18 of 2011. 20:48:08</p> <p>19 Q. Oh, you are correct. 20:48:08</p> <p>20 So from November 2011 to 20:48:10</p> <p>21 November 2012? 20:48:14</p> <p>22 A. Yes. 20:48:15</p> <p>23 Q. Okay. And then it says 20:48:17</p> <p>24 HD Smith shipped 30 milligrams of oxycodone 20:48:18</p> <p>25 to that same Riggs location, 1,200 tablets. 20:48:24</p>
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<p>1 Exhibit 55 here. It's MNK_TNSTA00612647. 20:45:06</p> <p>2 Take a look at this for me, please. 20:45:15</p> <p>3 The file name for this document 20:45:44</p> <p>4 is "Riggs pharmacies all sales run 20:45:45</p> <p>5 11/30/2012"; is that correct? 20:45:49</p> <p>6 A. Yes. 20:45:50</p> <p>7 Q. Did you create this document? 20:45:51</p> <p>8 A. No. 20:45:52</p> <p>9 Q. Did you direct that it be 20:45:53</p> <p>10 created? 20:45:56</p> <p>11 A. I'm not certain. 20:45:58</p> <p>12 Q. Okay. Okay. If you'll look 20:46:00</p> <p>13 with me on page 3. 20:46:19</p> <p>14 A. I'm sorry. Oh, yes. 20:46:24</p> <p>15 Q. Do you see that? 20:46:25</p> <p>16 A. Yes. Yes. 20:46:26</p> <p>17 Q. Okay. Does this appear to be a 20:46:27</p> <p>18 report based on chargeback data to you, 20:46:28</p> <p>19 ma'am? 20:46:30</p> <p>20 A. Yes. 20:46:30</p> <p>21 Q. Okay. And it appears to be a 20:46:31</p> <p>22 report about the Riggs Drug stores in -- the 20:46:32</p> <p>23 Riggs Drug stores we were discussing; is that 20:46:39</p> <p>24 correct? Jacksboro, La Follette and Powell? 20:46:43</p> <p>25 A. So the cover says Riggs 20:46:48</p>	<p>1 Am I reading that correctly? 20:48:29</p> <p>2 A. Yes. 20:48:32</p> <p>3 Q. Okay. Okay. Staying on page 3 20:48:32</p> <p>4 with me there, the last blue line, it says 20:49:02</p> <p>5 oxycodone 15-milligram tablets here for the 20:49:07</p> <p>6 same Riggs store in La Follette, Tennessee. 20:49:08</p> <p>7 Do you see where I am now? 20:49:10</p> <p>8 A. Yes. 20:49:12</p> <p>9 Q. Okay. And it says that 20:49:12</p> <p>10 Cardinal Health shipped 84,000 tablets during 20:49:13</p> <p>11 that same time period; is that correct? 20:49:15</p> <p>12 A. Yes. 20:49:17</p> <p>13 Q. Okay. So if you add those two 20:49:20</p> <p>14 together, I submit to you that would be 20:49:27</p> <p>15 377,600 Mallinckrodt-made oxycodone 20:49:31</p> <p>16 15-milligram and 30-milligram tablets going 20:49:37</p> <p>17 to that one pharmacy in that period of 20:49:39</p> <p>18 November 2011 to November 2012. 20:49:43</p> <p>19 Does that sound correct? 20:49:46</p> <p>20 MR. O'CONNOR: Objection to 20:49:47</p> <p>21 form. 20:49:48</p> <p>22 THE WITNESS: Yes. 20:49:48</p> <p>23 QUESTIONS BY MS. HERZFELD: 20:49:48</p> <p>24 Q. Okay. And that's just to one 20:49:49</p> <p>25 pharmacy, not to what was sent to that 20:49:56</p>

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1	county; is that right? 20:49:58	1	form. 20:51:35
2	MR. O'CONNOR: Object to form. 20:49:59	2	THE WITNESS: So the factors 20:51:35
3	THE WITNESS: Yes. 20:50:01	3	listed on the pharmacy information 20:51:38
4	QUESTIONS BY MS. HERZFELD: 20:50:01	4	sheet, oxycodone compared to other 20:51:40
5	Q. Okay. Does that number seem 20:50:02	5	opioids being dispensed, percent 20:51:46
6	too high to you? 20:50:05	6	oxycodone 15, 30, relative to other 20:51:50
7	MR. O'CONNOR: Object to form. 20:50:06	7	oxy products, and the other factors, 20:51:52
8	THE WITNESS: A number is one 20:50:07	8	including a physical and -- in a 20:51:56
9	of the indicators we use. High? I 20:50:10	9	physical location and a description of 20:52:02
10	don't have enough information to 20:50:16	10	the pharmacy. 20:52:04
11	compare other states to this 20:50:19	11	QUESTIONS BY MS. HERZFELD: 20:52:04
12	particular statistics or other 20:50:23	12	Q. Okay. And what types of 20:52:04
13	pharmacies, so I can't answer. 20:50:25	13	physical locations would cause you concern? 20:52:05
14	QUESTIONS BY MS. HERZFELD: 20:50:26	14	MR. O'CONNOR: Objection to 20:52:09
15	Q. Okay. So you'd have to have 20:50:27	15	form. 20:52:11
16	that information in order to be able to make 20:50:28	16	THE WITNESS: I don't -- I 20:52:11
17	a determination as to whether the number was 20:50:30	17	don't know offhand. 20:52:15
18	too high relatively? 20:50:32	18	QUESTIONS BY MS. HERZFELD: 20:52:15
19	A. Well, "too high" is a relative 20:50:33	19	Q. Okay. Okay. So the things on 20:52:16
20	term, again, so it would be a number that 20:50:37	20	the list is what you would consider, on the 20:52:21
21	merited further review. 20:50:41	21	pharmacy information sheet checklist? 20:52:22
22	Q. Okay. 20:50:43	22	A. Yes. 20:52:24
23	A. Potentially, yes. 20:50:43	23	Q. Okay. Is there anything 20:52:25
24	Q. And so the types of things that 20:50:44	24	outside of the information, the questions 20:52:26
25	you would want to know in order to make that 20:50:45	25	you've got contained in the pharmacy 20:52:29
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1	determination would be population? 20:50:47	1	information sheet checklist, that you would 20:52:30
2	A. That could be -- 20:50:51	2	consider when determining whether a pharmacy 20:52:32
3	MR. O'CONNOR: Form. 20:50:52	3	may be engaging in diversion? 20:52:35
4	THE WITNESS: -- one piece of 20:50:53	4	A. So a Google report would prompt 20:52:38
5	information. 20:50:55	5	further review. Those are the factors that 20:52:44
6	QUESTIONS BY MS. HERZFELD: 20:50:55	6	come to mind. 20:52:46
7	Q. Okay. And what about the 20:50:55	7	Q. Okay. But a Google report, if 20:52:47
8	percent of an aging population of the area? 20:50:58	8	it comes up, right, it's generally going to 20:52:49
9	A. No. 20:51:02	9	be when there's been a drug bust at a 20:52:52
10	Q. That's not something you'd want 20:51:04	10	pharmacy after the fact; is that right? 20:52:54
11	to consider? 20:51:05	11	MR. O'CONNOR: Objection to 20:52:55
12	A. Oh, I -- it wasn't a part of 20:51:05	12	form. 20:52:56
13	our program. 20:51:09	13	THE WITNESS: Yes. Yes. 20:52:56
14	Q. Okay. What about nearness to 20:51:10	14	QUESTIONS BY MS. HERZFELD: 20:53:00
15	hospitals or other medical facilities; would 20:51:14	15	Q. Okay. Okay. If you'll take 20:53:01
16	you want to know that information? 20:51:16	16	the same sheet with me, we're going to just 20:53:07
17	A. Not routinely. 20:51:18	17	spend another minute with it. And if you'll 20:53:10
18	Q. Okay. 20:51:22	18	flip with me to the one that's page 4. 20:53:15
19	A. No. 20:51:22	19	If you'll go down to the part 20:53:22
20	Q. Okay. So what types of other 20:51:23	20	that's highlighted in orange. I guess that's 20:53:24
21	information would you need besides just pure 20:51:25	21	orange. 20:53:27
22	number in order to be able to make a 20:51:27	22	A. Oh, I'm sorry. I'm on the 20:53:28
23	determination if a pharmacy was -- was 20:51:30	23	wrong page. 20:53:30
24	processing suspicious orders? 20:51:33	24	Q. That's okay. Page 4. 20:53:30
25	MR. O'CONNOR: Objection to 20:51:34	25	A. All right. 20:53:36

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1	Q. At the top it should say Riggs 20:53:37	1	A. -- and added all these? 20:55:26
2	Drug in Jacksboro, Tennessee. 20:53:39	2	Q. Yes, ma'am. 20:55:27
3	Do you see where I'm at? 20:53:42	3	A. Okay. All right. 20:55:27
4	A. Yes. 20:53:43	4	Q. I'm not going to make you vouch 20:55:27
5	Q. Okay. And then the orange all 20:53:44	5	for my math. 20:55:29
6	the way down at the bottom. 20:53:46	6	A. Okay. 20:55:30
7	A. Yes. 20:53:47	7	Q. But if I tell you that that 20:55:30
8	Q. Okay. So it says oxycodone 20:53:47	8	totals to 279,570 -- 20:55:30
9	30-milligram tablets, and then it would be 20:53:49	9	A. Yes. 20:55:30
10	139,400 tablets were supplied to this 20:53:51	10	Q. -- does that seem like a lot of 20:55:36
11	pharmacy, Riggs, in Jacksboro, Tennessee, by 20:53:56	11	Mallinckrodt opioids to go to one pharmacy to 20:55:38
12	Cardinal Health in the time period of 20:53:59	12	you? 20:55:39
13	November 2011 through November of 2012. 20:54:01	13	A. No, not necessarily. 20:55:39
14	Did I read that correctly? 20:54:04	14	Q. You would want to look at the 20:55:40
15	A. Yes. 20:54:05	15	factors that are on the pharmacy information 20:55:42
16	Q. Okay. And if you go one line 20:54:06	16	sheet; is that right? 20:55:44
17	up, it talks about oxycodone 15-milligram 20:54:09	17	A. Yes. 20:55:44
18	tablets shipped to that Jacksboro Riggs. 20:54:12	18	Q. And the Google Alerts; is that 20:55:44
19	That's 38,700; is that correct? 20:54:16	19	right? 20:55:47
20	A. Yes. 20:54:19	20	A. Yes, and have a conversation 20:55:47
21	Q. Okay. And so if you total 20:54:20	21	with the distributor, yes. 20:55:49
22	that, that would be 178,100 Mallinckrodt 20:54:21	22	Q. Okay. Do you know anything 20:55:50
23	oxycodone pills going to that one pharmacy in 20:54:26	23	about Jacksboro, Tennessee? 20:55:51
24	that time period; is that correct? 20:54:30	24	A. No. 20:55:53
25	A. Yes. 20:54:31	25	Q. Okay. Do you know if Jacksboro 20:55:54
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1	Q. Okay. And the rest of these 20:54:33	1	and La Follette are in the same county? 20:56:01
2	numbers on there, those are the other 20:54:40	2	A. No. 20:56:02
3	controlled substance Mallinckrodt products; 20:54:44	3	Q. What if I told you they are? 20:56:03
4	is that correct? 20:54:47	4	They're in Campbell County, Tennessee. 20:56:04
5	A. Yes. 20:54:47	5	Have you ever heard of Campbell 20:56:06
6	Q. Okay. And many of those are 20:54:48	6	County, Tennessee? 20:56:09
7	opioids as well; is that right? 20:54:51	7	A. No. 20:56:09
8	A. Yes. 20:54:52	8	Q. Okay. Do you know anything 20:56:10
9	Q. Is methylphenidate an opioid? 20:54:53	9	about Campbell County, Tennessee? 20:56:10
10	A. Yes. 20:54:59	10	A. No. 20:56:12
11	Q. Okay. So is everything on this 20:54:59	11	Q. Has Campbell County, Tennessee, 20:56:12
12	list an opioid? 20:55:01	12	ever been a topic of discussion during your 20:56:14
13	A. Yes. 20:55:02	13	professional time at Mallinckrodt? 20:56:16
14	Q. Okay. So if you total all of 20:55:02	14	A. Not that I recall. 20:56:17
15	the opioids then, the Mallinckrodt opioids, 20:55:03	15	Q. Okay. 20:56:19
16	sent to Riggs Drug in Jacksboro, Tennessee, 20:55:05	16	MR. O'CONNOR: We're on the 20:56:38
17	during this time period, that would be 20:55:07	17	12-hour mark. Are you almost done? 20:56:39
18	279,570 Mallinckrodt opioids shipped to this 20:55:10	18	MS. HERZFELD: I am so almost 20:56:43
19	pharmacy during that period of time, I submit 20:55:14	19	done. 20:56:44
20	to you. 20:55:17	20	MR. O'CONNOR: Okay. 20:56:44
21	Does that seem like a lot of 20:55:18	21	MS. HERZFELD: I have, I 20:56:44
22	opioids to one pharmacy to you? 20:55:20	22	think -- I have two very quick charts 20:56:45
23	A. So I'm sorry. You're saying 20:55:23	23	and then like three tiny things to ask 20:56:47
24	that you did the math -- 20:55:25	24	her about. Like I'm probably ten 20:56:49
25	Q. Yes, ma'am. 20:55:25	25	minutes. 20:56:51

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1	Do you want to take a break?	20:56:52	1	for the oxy 15s. Do you see that?	20:59:15
2	MR. O'CONNOR: Not if it's	20:56:54	2	I'll show you the oxy 30s next.	20:59:19
3	going to be ten minutes.	20:56:55	3	A. Yes.	20:59:22
4	MS. HERZFELD: I think it's	20:56:56	4	Q. Okay. And if you look at this	20:59:22
5	going to be ten minutes.	20:56:57	5	spreadsheet, you've got Jellico one, two,	20:59:24
6	MR. O'CONNOR: Okay.	20:56:57	6	three, four times.	20:59:27
7	MS. HERZFELD: I think it's	20:56:57	7	Let's look at the first one.	20:59:27
8	going to be ten minutes. I will try	20:56:58	8	Jellico Drugs.	20:59:30
9	very hard not to lie to you. Okay.	20:56:59	9	Do you see that?	20:59:31
10	MR. O'CONNOR: It's always	20:57:02	10	A. Yes.	20:59:31
11	appreciated.	20:57:04	11	Q. And it looks like Jellico Drugs	20:59:31
12	(Mallinckrodt-Harper Exhibit 56	20:57:05	12	was getting stuff from AmerisourceBergen --	20:59:33
13	marked for identification.)	20:57:06	13	getting oxycodone 15 from AmerisourceBergen	20:59:35
14	QUESTIONS BY MS. HERZFELD:	20:57:06	14	and Masters; is that correct?	20:59:39
15	Q. I will hand you what I'm	20:57:07	15	A. Yes.	20:59:40
16	marking as Plaintiff's Exhibit 56. This is	20:57:08	16	Q. Okay. So during that time	20:59:46
17	MNK_TNSTA25 -- I'm sorry, 02527616.	20:57:14	17	period, it looks like Jellico Drugs received	20:59:48
18	This is -- the title is "Oxy 15	20:57:23	18	14,400 oxycodone 15 tablets from Masters; is	20:59:51
19	and 30 shipped to and sold to via month,	20:57:28	19	that right?	20:59:57
20	January through December 2011." And it looks	20:57:31	20	A. Yes.	20:59:57
21	like the report was run 2/15/2012.	20:57:34	21	Q. And then 12,200 from	20:59:58
22	I will submit to you that we	20:57:37	22	AmerisourceBergen?	21:00:00
23	have condensed this just to Campbell County.	20:57:40	23	A. Yes.	21:00:01
24	Okay. So if you take a look at	20:58:01	24	Q. Okay. And if you go down to	21:00:02
25	this list, I think you'll notice La Follette	20:58:03	25	the others, you have the Rite Aid,	21:00:04
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1	that we've been talking about and also	20:58:05	1	number 1935 in Jellico. They received 2500	21:00:08
2	Jacksboro, which we've already discussed; is	20:58:06	2	oxycodone 15; is that correct?	21:00:13
3	that right?	20:58:09	3	A. Yes.	21:00:15
4	A. Yes.	20:58:09	4	Q. Okay. And then the last one is	21:00:19
5	Q. Okay. And this chart appears	20:58:10	5	the family drug center in Jellico by Cardinal	21:00:20
6	to show you chargeback data to the various	20:58:11	6	Health, and it looks like they received 300	21:00:23
7	pharmacies during the period of January 2011	20:58:13	7	oxy 15s; is that right?	21:00:28
8	through December 2011; is that correct?	20:58:19	8	A. Yes.	21:00:29
9	A. Yes.	20:58:23	9	Q. Okay. So if you add all that	21:00:29
10	Q. Okay. And we haven't talked at	20:58:26	10	together, I'll submit to you that that's	21:00:31
11	all about a place called Jellico.	20:58:29	11	about 29,400 oxycodone 15s for the town of	21:00:33
12	Have you ever heard of Jellico,	20:58:31	12	Jellico.	21:00:40
13	Tennessee?	20:58:32	13	Does that sound right?	21:00:40
14	A. No.	20:58:33	14	A. I have not done the math, but	21:00:41
15	Q. Okay. Okay. On this list I	20:58:33	15	if you say it's true, we'll go with it.	21:00:45
16	think you'll recognize we've got the three	20:58:39	16	(Mallinckrodt-Harper Exhibit 57	21:00:49
17	Riggs Drugs right at the top, right?	20:58:41	17	marked for identification.)	21:00:51
18	A. Yes.	20:58:42	18	QUESTIONS BY MS. HERZFELD:	21:00:51
19	Q. Okay. Riggs Drug in La	20:58:43	19	Q. Okay. I'm going to hand you	21:00:51
20	Follette and Riggs Drug in Jacksboro.	20:58:46	20	what's marked as Plaintiff's Exhibit 56? 6?	21:00:53
21	A. Yes.	20:58:53	21	A. This was 56.	21:00:55
22	Q. Okay. Do you know how many	20:58:54	22	Q. Oh, 57. I left my -- I'll just	21:00:56
23	people live in Jellico, Tennessee?	20:59:07	23	do another one. 57.	21:01:03
24	A. No.	20:59:10	24	Okay. This is the tab -- hold	21:01:04
25	Q. Okay. And this spreadsheet is	20:59:11	25	on. It looks like I'm missing one, so you	21:01:13

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1	might have lucked out. Okay. It appears 21:01:27	1	A. No. 21:04:19
2	that I'm missing the one for the oxy 30. 21:01:45	2	Q. Is that a list that 21:04:19
3	Okay. 21:01:51	3	Mallinckrodt would look at? 21:04:21
4	Did you ever run the numbers 21:01:52	4	MR. O'CONNOR: Objection to 21:04:22
5	for the total number of Mallinckrodt 21:01:58	5	form. 21:04:24
6	oxycodone products going to Campbell County, 21:02:00	6	THE WITNESS: Not within the 21:04:24
7	Tennessee? 21:02:04	7	scope of suspicious order monitoring. 21:04:25
8	A. I do not know. 21:02:04	8	QUESTIONS BY MS. HERZFELD: 21:04:28
9	Q. Okay. I'm going to... 21:02:07	9	Q. Okay. So if the CDC lists 21:04:28
10	Okay. I'm going to mark you -- 21:02:45	10	counties with the highest prescribing of 21:04:31
11	I'm going to hand you what we've marked as 21:02:46	11	opioids per capita, is that something you 21:04:34
12	Plaintiff's Exhibit 57. 21:02:48	12	would consult in your job in suspicious order 21:04:36
13	Okay. Could you read the file 21:02:50	13	monitoring? 21:04:38
14	name of this document for me, please, ma'am? 21:02:58	14	A. No. 21:04:38
15	A. "Hydro APAP 10s shipped to and 21:03:00	15	Q. Okay. Think it would be 21:04:40
16	sold via by month, January 2015 through 21:03:04	16	helpful? 21:04:44
17	December 2015, 325 milligrams APAP." 21:03:08	17	MR. O'CONNOR: Objection to 21:04:44
18	Q. Okay. Great. 21:03:15	18	form. 21:04:45
19	Okay. I'm going to back up for 21:03:15	19	THE WITNESS: We use various 21:04:45
20	a second, if you'll set this aside, and we'll 21:03:21	20	pieces of information at various 21:04:46
21	talk about it in just a second. I skipped 21:03:23	21	times, so I can't compare and contrast 21:04:49
22	some questions. 21:03:25	22	one thing is more helpful than the 21:04:53
23	Going back to our discussion 21:03:26	23	other. 21:04:56
24	about Campbell County, do you know what 21:03:27	24	QUESTIONS BY MS. HERZFELD: 21:04:56
25	Campbell County's population was in 2010? 21:03:33	25	Q. Okay. I think you looked 21:04:57
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1	A. No. 21:03:35	1	before at the chargeback data list, the 21:05:03
2	Q. Do you know if Mallinckrodt has 21:03:35	2	chargeback restriction list, Exhibit 36. 21:05:05
3	ever looked specifically at the number of 21:03:37	3	It's Mallinckrodt's chargeback restriction 21:05:09
4	pills it sends to the various counties in 21:03:40	4	list. If you would take a look at that for 21:05:10
5	Tennessee? 21:03:42	5	me for one more second. 21:05:14
6	MR. O'CONNOR: Objection. 21:03:42	6	Are you aware of the number of 21:05:16
7	Form. 21:03:43	7	pharmacies that were on that list, how many 21:05:19
8	QUESTIONS BY MS. HERZFELD: 21:03:43	8	have been subject of law enforcement action? 21:05:21
9	Q. Have you looked by county? 21:03:44	9	A. No. 21:05:23
10	A. I do not know. 21:03:45	10	Q. Okay. Are you aware if any of 21:05:24
11	Q. Okay. Did you run any 21:03:45	11	the reinstated pharmacies on that list have 21:05:26
12	chargeback reports by county on a routine 21:03:49	12	been subject of law enforcement action? 21:05:31
13	basis with Tennessee? 21:03:50	13	A. No. 21:05:32
14	A. No. 21:03:51	14	Q. Okay. And do you know if the 21:05:33
15	Q. Okay. What about towns? 21:03:51	15	pharmacies on that list, that were placed on 21:05:35
16	A. The reports can be sorted by 21:03:54	16	that list, were placed on before or because 21:05:37
17	towns -- 21:03:57	17	of -- I'm sorry, I'm going to back up. I'm 21:05:40
18	Q. Okay. 21:03:58	18	going to strike that question. We're going 21:05:43
19	A. -- but not specific to 21:03:58	19	to start over. 21:05:44
20	Tennessee towns. 21:04:02	20	Do you know of the pharmacies 21:05:45
21	Q. Okay. Okay. Had you -- were 21:04:03	21	that were placed on that Mallinckrodt 21:05:48
22	you aware that in 2015 Campbell County 21:04:09	22	chargeback restriction list, how many of 21:05:50
23	prescribed the third highest morphine 21:04:13	23	those restricted pharmacies were placed on 21:05:55
24	equivalent milligrams per capita annually in 21:04:17	24	after law enforcement action? 21:05:58
25	the country? 21:04:19	25	A. No. 21:06:00

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<p>1 Q. Okay. You can set it aside, 21:06:00</p> <p>2 please. 21:06:02</p> <p>3 Have you ever heard of Clay 21:06:03</p> <p>4 County, Tennessee? 21:06:08</p> <p>5 A. No. 21:06:09</p> <p>6 Q. Do you know what the population 21:06:09</p> <p>7 is of Clay County, Tennessee? 21:06:10</p> <p>8 A. No. 21:06:12</p> <p>9 Q. Okay. Has there been any 21:06:12</p> <p>10 discussion in your professional capacity at 21:06:15</p> <p>11 Mallinckrodt having to do with Clay County, 21:06:16</p> <p>12 Tennessee? 21:06:19</p> <p>13 A. Not that I recall. 21:06:19</p> <p>14 Q. Okay. If you'll take a look at 21:06:21</p> <p>15 Exhibit 57 for me, please, ma'am. 21:06:23</p> <p>16 Okay. You've already 21:06:25</p> <p>17 identified this document. I will submit to 21:06:27</p> <p>18 you that we've modified it to show only the 21:06:29</p> <p>19 town of Celina, Tennessee. 21:06:33</p> <p>20 If you'll flip to the page, do 21:06:34</p> <p>21 you recognize this as chargeback data, ma'am? 21:06:37</p> <p>22 A. Yes. 21:06:40</p> <p>23 Q. Okay. Looking at this 21:06:40</p> <p>24 chargeback data, does it indicate to you that 21:06:41</p> <p>25 Rite Aid number 2494 in Celina, Tennessee, 21:06:43</p>	<p>1 going to a town with 1,379 people? 21:08:01</p> <p>2 MR. O'CONNOR: Objection to 21:08:04</p> <p>3 form. 21:08:05</p> <p>4 THE WITNESS: I don't have 21:08:05</p> <p>5 enough information to answer. 21:08:06</p> <p>6 QUESTIONS BY MS. HERZFELD: 21:08:09</p> <p>7 Q. Okay. And the information that 21:08:09</p> <p>8 you would want would be the information 21:08:11</p> <p>9 that's contained on that pharmacy information 21:08:12</p> <p>10 sheet that we talked about earlier? 21:08:14</p> <p>11 A. Part of the information, yes. 21:08:16</p> <p>12 Q. Okay. And the other 21:08:20</p> <p>13 information would be information that you get 21:08:21</p> <p>14 from the Google Alerts; is that right? 21:08:23</p> <p>15 A. Potentially. 21:08:25</p> <p>16 Q. Okay. And is there any other 21:08:27</p> <p>17 information you can think of that you'd want 21:08:28</p> <p>18 to know to make that decision? 21:08:30</p> <p>19 A. So let's circle back, please. 21:08:31</p> <p>20 Q. Sure. 21:08:33</p> <p>21 A. We're talking about Celina, 21:08:33</p> <p>22 Tennessee. 21:08:35</p> <p>23 Q. Yes, ma'am. 21:08:35</p> <p>24 A. And what's -- what's the 21:08:36</p> <p>25 question again, please? 21:08:37</p>
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<p>1 through McKesson, received 87,000 21:06:55</p> <p>2 Mallinckrodt hydro APAP 10s? 21:06:59</p> <p>3 A. Yes. 21:07:05</p> <p>4 Q. Okay. And then Anderson 21:07:06</p> <p>5 Hometown Pharmacy received 500 hydro APAP 10s 21:07:10</p> <p>6 through McKesson; is that right? 21:07:14</p> <p>7 A. Yes. 21:07:15</p> <p>8 Q. Okay. And then Cumberland 21:07:15</p> <p>9 River Hospital, also in Celina, Tennessee, 21:07:18</p> <p>10 through Cardinal received 200 hydro APAP 10s; 21:07:21</p> <p>11 is that right? 21:07:24</p> <p>12 A. Yes. 21:07:24</p> <p>13 Q. Okay. And that shows, if you 21:07:25</p> <p>14 total it -- and I think this math is a little 21:07:28</p> <p>15 easier -- that's 87,700 hydro APAP 10s sent 21:07:30</p> <p>16 to Celina, Tennessee, that were Mallinckrodt 21:07:38</p> <p>17 between January 2015 and December of 2015; is 21:07:42</p> <p>18 that correct? 21:07:45</p> <p>19 A. Yes. 21:07:45</p> <p>20 Q. Okay. Did you know that the 21:07:47</p> <p>21 town of Celina, Tennessee, is -- population 21:07:48</p> <p>22 is 1,379 people? 21:07:51</p> <p>23 A. No. 21:07:54</p> <p>24 Q. Do you think that's an 21:07:55</p> <p>25 appropriate number of hydro APAP 10s to be 21:07:56</p>	<p>1 Q. The question was if you thought 21:08:38</p> <p>2 that was an appropriate number of hydro APAP 21:08:40</p> <p>3 pills to be going to that town. 21:08:46</p> <p>4 A. Okay. And I said I can't 21:08:48</p> <p>5 answer. I don't have enough information. 21:08:50</p> <p>6 Q. And so then I said you'd want 21:08:50</p> <p>7 the information on the pharmacy information 21:08:51</p> <p>8 sheet that we talked about before in order to 21:08:53</p> <p>9 make that determination? 21:08:54</p> <p>10 A. Yes, as one of the factors, 21:08:55</p> <p>11 yes. 21:08:59</p> <p>12 Q. And one of the other factors 21:08:59</p> <p>13 would be the information that you gleaned 21:09:00</p> <p>14 from Google Alerts? 21:09:01</p> <p>15 A. Yes. 21:09:02</p> <p>16 Q. Okay. And is there any other 21:09:03</p> <p>17 information that you would feel you need to 21:09:04</p> <p>18 consult? 21:09:08</p> <p>19 A. Any other information provided 21:09:08</p> <p>20 to us by the distributors. 21:09:14</p> <p>21 Q. Okay. 21:09:16</p> <p>22 A. But, no, nothing other than 21:09:16</p> <p>23 that. 21:09:19</p> <p>24 Q. Okay. You can set that aside, 21:09:20</p> <p>25 please, ma'am. Okay. Done with charts. 21:09:21</p>

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<p>1 (Mallinckrodt-Harper Exhibit 58 21:09:26 2 marked for identification.) 21:09:27 3 QUESTIONS BY MS. HERZFELD: 21:09:27 4 Q. Okay. Number 58. If you'll 21:09:35 5 take a look at this for me, please. 21:09:49 6 Could you please read the 21:09:59 7 title? 21:09:59 8 A. "DEA investigators seeking 21:10:00 9 answers in small Tennessee town." 21:10:05 10 Q. And what does it say after 21:10:08 11 that? 21:10:10 12 A. There's a header. 21:10:10 13 Q. Yes, ma'am. 21:10:13 14 A. Drug Enforcement 21:10:14 15 Administration. 21:10:15 16 Q. Okay. So this is a press 21:10:15 17 release coming from the Drug Enforcement 21:10:16 18 Administration? 21:10:18 19 A. Yes. 21:10:18 20 Q. Okay. And then under that it 21:10:19 21 says, "Rural Clay County pharmacies 2017 21:10:26 22 purchases from distributors totaled more than 21:10:28 23 1 million pills." 21:10:30 24 Do you see that? 21:10:31 25 A. Yes. 21:10:31</p>	<p>1 QUESTIONS BY MS. HERZFELD: 21:11:36 2 Q. Okay. I'm going to hand you 21:11:36 3 what I'm going to mark as Exhibit 59, 21:11:48 4 MNK-TN_000642 -- no, 6462195. 21:11:52 5 These all got jammed together, 21:12:01 6 guys. Sorry. 21:12:05 7 If you'll look with me all the 21:12:07 8 way down to... 21:12:09 9 You don't have to read the 21:12:26 10 whole thing, but if you look where Tom -- 21:12:30 11 Thomas Duffel -- three-quarters of the way 21:12:34 12 down the page? 21:12:35 13 A. Yes. 21:12:36 14 Q. And he, it looks like, sends an 21:12:36 15 e-mail to you on September 11, 2017, and 21:12:37 16 Debbie Dingle {sic}. 21:12:40 17 Do you see that? 21:12:42 18 A. Yes. 21:12:42 19 Q. And the subject is regarding 21:12:43 20 need listing of all current and past narcotic 21:12:46 21 SKUs. 21:12:48 22 Do you see that? 21:12:49 23 A. Yes. 21:12:49 24 Q. Okay. And so his e-mail to you 21:12:50 25 and Debbie is, "Karen/Debbie, just to make 21:12:53</p>
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<p>1 Q. Okay. And then the date line, 21:10:32 2 what is the city and state that it indicates? 21:10:35 3 A. Celina, Tennessee. 21:10:37 4 Q. Okay. And then if you could 21:10:39 5 read the first sentence for me, please? 21:10:40 6 A. "DEA investigators this week 21:10:41 7 conducted inspections at several pharmacy 21:10:45 8 locations in the Clay County, Tennessee, 21:10:47 9 town" -- pardon me -- "of Celina following an 21:10:52 10 inquiry into irregular patterns of pill 21:10:56 11 purchases from drug distribution companies." 21:10:58 12 Q. Okay. You can stop there. 21:11:03 13 Were you aware of this DEA 21:11:05 14 investigation? 21:11:07 15 A. No. 21:11:07 16 Q. Okay. Thank you, ma'am. You 21:11:07 17 can set that aside. 21:11:09 18 Okay. In 2017, did you start 21:11:20 19 working on pulling Tennessee order reports? 21:11:25 20 MR. O'CONNOR: Objection. 21:11:27 21 Form. 21:11:28 22 THE WITNESS: I don't know. 21:11:28 23 (Mallinckrodt-Harper Exhibit 59 21:11:35 24 marked for identification.) 21:11:36 25</p>	<p>1 sure, I'm sending a list of the items that we 21:12:57 2 used to pull the most recent Tennessee orders 21:13:00 3 report. I'm assuming that the list will 21:13:02 4 remain constant as we have requests like 21:13:04 5 these. Please let me know if there are any 21:13:07 6 issues. Thank you." 21:13:09 7 Did I read that correctly? 21:13:13 8 A. Yes. 21:13:13 9 Q. Okay. Do you know what he's 21:13:14 10 talking about? 21:13:16 11 A. Yes. 21:13:16 12 Q. Okay. What he's talking about? 21:13:16 13 A. He's determining that he has 21:13:17 14 the list of all opioid products to pull this 21:13:20 15 report and other reports. 21:13:22 16 Q. For Tennessee orders? 21:13:24 17 A. In this case, yes. 21:13:25 18 Q. Okay. And do you know why he 21:13:28 19 was pulling Tennessee orders? 21:13:29 20 A. No. 21:13:30 21 Q. You don't? 21:13:31 22 A. No. 21:13:32 23 Q. Okay. Was -- did anybody ever 21:13:32 24 talk to you about pulling Tennessee orders? 21:13:36 25 A. Clearly they did, but this 21:13:37</p>

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<p>1 could have been a request by -- by counsel. 21:13:41</p> <p>2 Q. Okay. Can you think of any 21:13:51</p> <p>3 other reason there would have been a request 21:13:53</p> <p>4 to pull Tennessee numbers? 21:13:55</p> <p>5 A. A subpoena, request from 21:13:57</p> <p>6 counsel, those type of things. 21:14:03</p> <p>7 Q. Okay. 21:14:04</p> <p>8 A. Yes. 21:14:04</p> <p>9 Q. Okay. 21:14:08</p> <p>10 (Mallinckrodt-Harper Exhibit 60 21:14:17</p> <p>11 marked for identification.) 21:14:21</p> <p>12 MR. O'CONNOR: For the record, 21:14:21</p> <p>13 I think we're closing in on 21:14:22</p> <p>14 20 minutes. 21:14:24</p> <p>15 MS. HERZFELD: Oh, my gosh, 21:14:24</p> <p>16 really? I thought I was doing so 21:14:25</p> <p>17 well. I'm so sorry. So close. 21:14:28</p> <p>18 QUESTIONS BY MS. HERZFELD: 21:14:32</p> <p>19 Q. Okay. I'm going to hand you 21:14:34</p> <p>20 60, and I think there's only one after this 21:14:35</p> <p>21 one. 21:14:37</p> <p>22 Okay. I'm going to hand you 21:14:38</p> <p>23 what's been marked as Plaintiff's Exhibit 60, 21:14:40</p> <p>24 and that is MNK-T1_0007185456. Okay. It is 21:14:45</p> <p>25 a two-page document. 21:15:03</p>	<p>1 A. Yes. 21:16:07</p> <p>2 Q. Okay. "David, that will take 21:16:08</p> <p>3 an additional day or two to complete. You'll 21:16:13</p> <p>4 have it no later than Friday COB. I'm 21:16:14</p> <p>5 waiting on slide input from David Hunter. 21:16:15</p> <p>6 Don has slammed me last night and today with 21:16:18</p> <p>7 work for the Tennessee matter and DEA meeting 21:16:19</p> <p>8 prep. Sorry." 21:16:21</p> <p>9 What is the Tennessee matter? 21:16:22</p> <p>10 A. So I don't know specifically 21:16:24</p> <p>11 what the Tennessee matter is or was. 21:16:27</p> <p>12 Q. Okay. What was the DEA meeting 21:16:31</p> <p>13 prep? 21:16:33</p> <p>14 A. I don't know. I don't recall. 21:16:34</p> <p>15 Q. Okay. All right. And have you 21:16:36</p> <p>16 read the complaint in the Tennessee matter? 21:16:48</p> <p>17 A. No. 21:16:50</p> <p>18 Q. Okay. But it was sent to you; 21:16:51</p> <p>19 is that right? 21:16:54</p> <p>20 A. I'm not certain of that. 21:16:54</p> <p>21 (Mallinckrodt-Harper Exhibit 61 21:16:57</p> <p>22 marked for identification.) 21:16:58</p> <p>23 QUESTIONS BY MS. HERZFELD: 21:16:58</p> <p>24 Q. I'm going to give you our very 21:17:04</p> <p>25 last exhibit, which is 61. I'm handing you 21:17:05</p>
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<p>1 Do you recognize this as an 21:15:04</p> <p>2 e-mail chain between you and David Widder? 21:15:05</p> <p>3 A. Yes. 21:15:08</p> <p>4 Q. Dated over the course of June 21:15:10</p> <p>5 2017? 21:15:14</p> <p>6 A. Yes. 21:15:14</p> <p>7 Q. Okay. Who is David Widder? 21:15:16</p> <p>8 A. He -- he was another person to 21:15:18</p> <p>9 whom my group reported. 21:15:22</p> <p>10 Q. Okay. What was his position? 21:15:24</p> <p>11 A. His title has changed over 21:15:25</p> <p>12 time, but he's in -- supply chain is the name 21:15:28</p> <p>13 of his group. 21:15:31</p> <p>14 Q. Okay. And so if you'll go down 21:15:33</p> <p>15 with me, it looks like David Widder is saying 21:15:35</p> <p>16 to you in the second e-mail down, Wednesday, 21:15:41</p> <p>17 June 14, 2017, "No worries. If we can 21:15:43</p> <p>18 complete by the end of the week, we'll be in 21:15:46</p> <p>19 a good spot. The DEA meeting prep and 21:15:47</p> <p>20 Tennessee matter are both more pressing." 21:15:51</p> <p>21 Do you see that? 21:15:53</p> <p>22 A. Yes. 21:15:54</p> <p>23 Q. And he is responding to you -- 21:15:55</p> <p>24 it's an e-mail, it looks like, earlier that 21:15:58</p> <p>25 day? 21:16:03</p>	<p>1 what is marked as Plaintiff's Exhibit 61. 21:17:17</p> <p>2 Okay. This appears to be an 21:17:19</p> <p>3 e-mail from Don Lohman and John Gillies and 21:17:28</p> <p>4 you dated June 14, 2017; is that right? 21:17:33</p> <p>5 A. Yes. 21:17:35</p> <p>6 Q. Okay. And it says, filed 21:17:39</p> <p>7 complaint 6/13/2017, and this was e-mailed to 21:17:42</p> <p>8 you 6/14/2017; is that right? 21:17:47</p> <p>9 A. Yes, I see that. 21:17:48</p> <p>10 Q. Okay. And I just copied the 21:17:49</p> <p>11 first page of our complaint because it's 21:17:51</p> <p>12 really super long. 21:17:52</p> <p>13 A. Okay. 21:17:53</p> <p>14 Q. Did you ever read it? 21:17:54</p> <p>15 A. No. 21:17:55</p> <p>16 Q. Okay. You received it, but you 21:17:56</p> <p>17 didn't read it? 21:17:58</p> <p>18 A. It's clear that I received it. 21:17:58</p> <p>19 I don't recall receiving it, and I don't 21:18:00</p> <p>20 recall reading it. 21:18:02</p> <p>21 Q. Okay. And so when we were 21:18:03</p> <p>22 talking before about the Tennessee matter, 21:18:04</p> <p>23 could it have been the filing of our 21:18:06</p> <p>24 complaint that was the matter? 21:18:09</p> <p>25 MR. O'CONNOR: Objection to 21:18:10</p>

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1	form. 21:18:10	1	QUESTIONS BY MR. O'CONNOR: 21:20:19
2	THE WITNESS: I can't answer 21:18:10	2	Q. Okay. For those companies that 21:20:20
3	that question. 21:18:11	3	submit chargeback requests, are all orders 21:20:22
4	QUESTIONS BY MS. HERZFELD: 21:18:11	4	that those companies receive reflected in 21:20:26
5	Q. You can't answer because you 21:18:12	5	those requests? 21:20:28
6	don't know or because it's privileged? 21:18:13	6	A. No. 21:20:30
7	A. Oh, because I don't know. 21:18:14	7	Q. Okay. Mallinckrodt 21:20:32
8	Q. Oh, okay. Very good. 21:18:16	8	manufactures methylphenidate, correct? 21:20:39
9	A. Sorry. 21:18:20	9	A. Yes. 21:20:44
10	MS. HERZFELD: Okay. I don't 21:18:27	10	Q. Do you know what 21:20:45
11	think I have any other questions. 21:18:28	11	methylphenidate is used to treat? 21:20:46
12	MR. O'CONNOR: Excellent. Can 21:18:30	12	A. Attention-deficit/hyperactivity 21:20:48
13	we go off the record? 21:18:32	13	disorder. 21:20:52
14	VIDEOGRAPHER: We are going off 21:18:33	14	Q. Okay. Is it used to treat 21:20:52
15	the record at 9:18 p.m. 21:18:34	15	pain, as far as you know? 21:20:54
16	(Off the record at 9:18 p.m.) 21:18:36	16	A. I do not know. 21:20:56
17	VIDEOGRAPHER: We are back on 21:19:09	17	Q. Okay. Is methylphenidate an 21:20:56
18	the record at 9:19 p.m. 21:19:15	18	opioid? 21:21:00
19	CROSS-EXAMINATION 21:19:19	19	A. It's a, yes, a synthetic 21:21:01
20	QUESTIONS BY MR. O'CONNOR: 21:19:19	20	opioid, yes. 21:21:03
21	Q. Ms. Harper, considering the 21:19:20	21	Q. It's a synthetic opioid. Okay. 21:21:03
22	hour, I'll keep this very brief. Just a few 21:19:20	22	And do you have any scientific 21:21:10
23	questions. 21:19:23	23	background on which you're basing that 21:21:11
24	Earlier today you testified 21:19:23	24	statement? 21:21:16
25	about the scope of information provided 21:19:25	25	A. No scientific background, no. 21:21:16
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1	through chargeback requests. 21:19:27	1	Q. Just a few minutes ago you 21:21:17
2	Do you generally recall 21:19:28	2	discussed with Ms. Herzfeld a number of 21:21:21
3	testifying on that issue? 21:19:30	3	charts, including those labeled -- or marked 21:21:26
4	A. Yes. 21:19:31	4	Exhibits 40 through 57, roughly. 21:21:30
5	Q. I just want to ask a few 21:19:32	5	Do you remember the charts I'm 21:21:33
6	questions so the record is clear on this. 21:19:37	6	referring to? 21:21:34
7	Does chargeback data allow 21:19:39	7	A. Yes. 21:21:35
8	Mallinckrodt visibility into all the sales of 21:19:41	8	Q. Okay. And many of those charts 21:21:38
9	its products made by distributor customers? 21:19:43	9	purported to reflect chargeback data; is that 21:21:44
10	A. No. 21:19:48	10	your understanding? 21:21:47
11	Q. Do all distributor customers 21:19:48	11	A. Yes. 21:21:48
12	submit chargeback information? 21:19:52	12	Q. Do you have any independent 21:21:49
13	A. Yes. 21:19:53	13	recollection of the chargeback numbers that 21:21:53
14	Q. Do all customers of 21:19:54	14	you saw in any of those charts? 21:21:58
15	Mallinckrodt product submit chargeback 21:19:56	15	A. No. 21:22:00
16	requests? 21:19:59	16	Q. So from time to time when you 21:22:02
17	A. No. 21:20:01	17	indicated to Ms. Herzfeld that you thought 21:22:07
18	Q. And of those Mallinckrodt 21:20:03	18	certain numbers were correct, did you have 21:22:09
19	customers that do from time to time submit 21:20:05	19	any basis for saying that other than seeing 21:22:11
20	chargeback requests, do they submit 21:20:08	20	those numbers on the page -- on the document 21:22:14
21	chargeback requests for every order they 21:20:12	21	that she provided you? 21:22:16
22	receive? 21:20:16	22	MS. HERZFELD: Object to the 21:22:17
23	MR. KO: Object to the form. 21:20:16	23	form. 21:22:19
24	THE WITNESS: I don't know the 21:20:17	24	THE WITNESS: No. 21:22:19
25	answer. 21:20:19	25	

<p style="text-align: right;">Page 614</p> <p>1 QUESTIONS BY MR. O'CONNOR: 21:22:20</p> <p>2 Q. With respect to any numbers 21:22:21</p> <p>3 that you indicated to Ms. Herzfeld that were 21:22:24</p> <p>4 correct, do you have any basis to believe 21:22:27</p> <p>5 that they were correct aside from -- aside 21:22:29</p> <p>6 from the numbers on the document? 21:22:31</p> <p>7 MS. HERZFELD: Object to the 21:22:33</p> <p>8 form. 21:22:34</p> <p>9 THE WITNESS: No. 21:22:34</p> <p>10 MR. O'CONNOR: What's the 21:22:35</p> <p>11 objection? 21:22:37</p> <p>12 MS. HERZFELD: It's convoluted. 21:22:38</p> <p>13 QUESTIONS BY MR. O'CONNOR: 21:22:42</p> <p>14 Q. Okay. Do you recall responding 21:22:42</p> <p>15 to Ms. Herzfeld that certain numbers she 21:22:43</p> <p>16 presented to you were -- appeared to be 21:22:47</p> <p>17 correct? 21:22:48</p> <p>18 A. Yes. 21:22:49</p> <p>19 Q. With respect to those numbers, 21:22:49</p> <p>20 do you have any independent basis to believe 21:22:52</p> <p>21 they are correct? 21:22:54</p> <p>22 A. No. 21:22:55</p> <p>23 MR. O'CONNOR: Okay. That's 21:22:58</p> <p>24 all I have. 21:22:58</p> <p>25 MS. HERZFELD: I have one 21:22:58</p>	<p style="text-align: right;">Page 616</p> <p>1 MS. HERZFELD: I'll read the 21:23:49</p> <p>2 number in. 21:23:50</p> <p>3 MR. KO: Thank you. 21:23:50</p> <p>4 MS. HERZFELD: It's 21:23:51</p> <p>5 MNK-T1_0000387492. 21:23:54</p> <p>6 QUESTIONS BY MR. KO: 21:23:58</p> <p>7 Q. Ms. Harper, just a moment ago 21:24:03</p> <p>8 Mr. O'Connor was asking you about whether or 21:24:05</p> <p>9 not -- well, was asking you about chargeback 21:24:10</p> <p>10 information. 21:24:12</p> <p>11 Do you recall that? 21:24:13</p> <p>12 A. Yes. 21:24:13</p> <p>13 Q. And the document you have in 21:24:13</p> <p>14 front of you is an e-mail that you sent to 21:24:17</p> <p>15 someone at DEA regarding access and your 21:24:19</p> <p>16 utilization of chargeback info; is that 21:24:24</p> <p>17 correct? 21:24:26</p> <p>18 A. Yes. 21:24:26</p> <p>19 Q. And at the very end of that 21:24:26</p> <p>20 e-mail, there's a portion that's underlined. 21:24:29</p> <p>21 Do you mind reading that into 21:24:31</p> <p>22 the record? 21:24:33</p> <p>23 A. "That said, Mallinckrodt 21:24:33</p> <p>24 assumes that most transactions would result 21:24:38</p> <p>25 in a chargeback request." 21:24:40</p>
<p style="text-align: right;">Page 615</p> <p>1 question on redirect. 21:22:59</p> <p>2 REDIRECT EXAMINATION 21:22:59</p> <p>3 QUESTIONS BY MS. HERZFELD: 21:22:59</p> <p>4 Q. Based on those numbers we went 21:23:02</p> <p>5 over, do you have any reason to think that 21:23:03</p> <p>6 they'd be incorrect? 21:23:05</p> <p>7 A. I don't know the answer, no. 21:23:07</p> <p>8 MS. HERZFELD: Okay. Thank 21:23:11</p> <p>9 you. 21:23:13</p> <p>10 MR. KO: I'm sorry, folks, but 21:23:13</p> <p>11 I have one question, of course, in 21:23:14</p> <p>12 light of your redirect, and I have to 21:23:18</p> <p>13 use a document for it. 21:23:20</p> <p>14 (Mallinckrodt-Harper Exhibit 62 21:23:26</p> <p>15 marked for identification.) 21:23:27</p> <p>16 REDIRECT EXAMINATION 21:23:27</p> <p>17 QUESTIONS BY MR. KO: 21:23:28</p> <p>18 Q. So I'm going to hand you a copy 21:23:22</p> <p>19 of what will be marked as -- I don't know 21:23:23</p> <p>20 what exhibit we're on -- 63? Oh, 62. Okay, 21:23:25</p> <p>21 62. 21:23:38</p> <p>22 And that's the -- 21:23:38</p> <p>23 unfortunately, that's the only copy of the 21:23:39</p> <p>24 exhibit I have. 21:23:41</p> <p>25 MR. KO: Tricia, do you mind -- 21:23:45</p>	<p style="text-align: right;">Page 617</p> <p>1 Q. Okay. And do you have any 21:24:42</p> <p>2 reason to dispute that you wrote that 21:24:45</p> <p>3 language to the DEA on November 1, 2010? 21:24:47</p> <p>4 A. No. 21:24:50</p> <p>5 MR. KO: Okay. That's all I 21:24:51</p> <p>6 have. 21:24:52</p> <p>7 MR. O'CONNOR: All right. We 21:24:54</p> <p>8 can go off the record. 21:24:55</p> <p>9 VIDEOGRAPHER: We are going off 21:24:56</p> <p>10 the record at 9:24 p.m. 21:24:57</p> <p>11 (Deposition concluded at 9:24 p.m.) 21:24:58</p> <p>12 -----</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

ACKNOWLEDGMENT OF DEPONENT

I, _____, do hereby certify that I have read the foregoing pages and that the same is a correct transcription of the answers given by me to the questions therein propounded, except for the corrections or changes in form or substance, if any, noted in the attached Errata Sheet.

Karen Harper DATE

Subscribed and sworn to before me this _____ day of _____, 20 ____.

My commission expires: _____

Notary Public

ERRATA

PAGE	LINE	CHANGE/REASON
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